

# MAINE STATE LEGISLATURE

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2 Date: 6/2/21

(Filing No. H- 311 )

3 **HEALTH AND HUMAN SERVICES**

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5 **STATE OF MAINE**  
6 **HOUSE OF REPRESENTATIVES**  
7 **130TH LEGISLATURE**  
8 **FIRST SPECIAL SESSION**

9 COMMITTEE AMENDMENT "A" to H.P. 465, L.D. 629, "Resolve, To Establish  
10 the Task Force To Study Improving Safety and Provide Protection from Violence for  
11 Health Care Workers in Hospitals and Mental Health Care Providers"

12 Amend the resolve by striking out the title and substituting the following:

13 **'Resolve, To Establish the Task Force To Study the Process for Bringing Criminal**  
14 **Cases in Situations of Violence against Health Care Workers'**

15 Amend the resolve by inserting after the title the following:

16 **'Emergency preamble. Whereas,** acts and resolves of the Legislature do not  
17 become effective until 90 days after adjournment unless enacted as emergencies; and

18 **Whereas,** the issue of violence against hospital and medical staff has increased in  
19 recent years; and

20 **Whereas,** hospitals are unclear what the options are for prosecution when victims are  
21 unwilling to bring cases; and

22 **Whereas,** the work of the Task Force To Study the Process for Bringing Criminal  
23 Cases in Situations of Violence against Health Care Workers needs to begin prior to 90  
24 days after adjournment in order for the task force to have enough time to review the  
25 circumstances and make recommendations; and

26 **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
27 the meaning of the Constitution of Maine and require the following legislation as  
28 immediately necessary for the preservation of the public peace, health and safety; now,  
29 therefore, be it'

30 Amend the resolve by striking out all of sections 1 and 2 and inserting the following:

31 **'Sec. 1. Task force established. Resolved:** That the Task Force To Study the  
32 Process for Bringing Criminal Cases in Situations of Violence against Health Care  
33 Workers, referred to in this resolve as "the task force," is established.

**COMMITTEE AMENDMENT**

**Sec. 2. Task force membership. Resolved:** That, notwithstanding Joint Rule 353, the task force consists of 9 members appointed as follows:

1. Two members of the Senate appointed by the President of the Senate, including members from each of the 2 parties holding the largest number of seats in the Legislature;

2. Two members of the House of Representatives appointed by the Speaker of the House, including members from each of the 2 parties holding the largest number of seats in the Legislature;

3. Two members who are representatives of entities knowledgeable about or involved in providing hospital, medical or mental health services, appointed by the President of the Senate;

4. Two members who are representatives of entities knowledgeable about or involved in providing hospital, medical or mental health services, appointed by the Speaker of the House; and

5. One member representing law enforcement officers, appointed by the Speaker of the House.

The task force shall also invite 2 members of the judicial branch and 2 members representing district attorneys designated by the Chief Justice of the Supreme Judicial Court to serve as members of the task force.'

Amend the resolve by striking out all of section 5 and inserting the following:

**'Sec. 5. Duties. Resolved:** That the task force shall review the process by which criminal cases may be brought related to incidents of violence in hospitals and other health care facilities and settings, in particular, incidents of violence involving patients or individuals related to patients assaulting hospital or medical staff.'

Amend the resolve in section 7 in the 3rd line (page 1, line 37 in L.D.) by striking out the following: "for presentation" and inserting the following: 'to the Joint Standing Committee on Criminal Justice and Public Safety. The joint standing committee is authorized to report out legislation'

Amend the resolve by adding before the summary the following:

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.'

Amend the resolve by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

## SUMMARY

This amendment makes the following changes to the task force.

1. It changes the name and duties of the task force to require it to study the process by which criminal cases may be brought related to incidents of violence in hospitals and other health care facilities and settings.

2. It changes the membership to reduce the number of House of Representatives members by one and include a member representing law enforcement officers and 4 invited members representing the judicial branch and district attorneys.

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- 1           3. It requires the task force to submit its report to the Joint Standing Committee on
- 2 Criminal Justice and Public Safety, which is authorized to report out legislation to the
- 3 Second Regular Session of the 130th Legislature.

**FISCAL NOTE REQUIRED**  
**(See attached)**

**COMMITTEE AMENDMENT**



Approved: 05/28/21 *MAC*

# 130th MAINE LEGISLATURE

LD 629

LR 1047(02)

**Resolve, To Establish the Task Force To Study Improving Safety and Provide Protection from Violence for Health Care Workers in Hospitals and Mental Health Care Providers**

**Fiscal Note for Bill as Amended by Committee Amendment "A" (H-311)**  
**Committee: Health and Human Services**  
**Fiscal Note Required: Yes**

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## Fiscal Note

### Legislative Cost/Study

#### Legislative Cost/Study

The general operating expenses of this study are projected to be \$2,250 in fiscal year 2021-22. The Legislature's budget for the 2022-2023 biennium includes \$10,000 in fiscal year 2021-22 and \$10,000 in fiscal year 2022-23 for costs of legislative studies, as well as \$21,260 of balances carried over from prior years for this purpose. Whether these amounts are sufficient to fund all studies will depend on the number of studies authorized by the Legislative Council and the Legislature. The additional costs of providing staffing assistance to the study during the interim can be absorbed utilizing existing budgeted staff resources.

#### Fiscal Detail and Notes

Any additional costs to the District Attorneys Office within the Office of the Attorney General and to the Judicial Department to serve as members of the task force are assumed to be minor and can be absorbed within existing budgeted resources.