

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1999

the Senate and the Speaker of the House of Representatives shall jointly appoint the chair of the committee; and be it further

Sec. 4. Duties. Resolved: That the committee shall study issues involved in the establishment of a memorial dedicated to the Civilian Conservation Corps including:

1. Where the memorial should be located;
2. What should be inscribed on the memorial; and
3. A funding mechanism for building the memorial, including, but not limited to, a public and private partnership; and be it further

Sec. 5. Compensation. Resolved: That members of the committee are not entitled to compensation.

Sec. 6. Report. Resolved: That the Committee to Establish a Memorial Dedicated to the Civilian Conservation Corps shall submit its report, together with any necessary implementing legislation, to the Second Regular Session of the 119th Legislature no later than January 14, 2000.

See title page for effective date.

CHAPTER 84

H.P. 1414 - L.D. 2021

Resolve, to Establish the Commission to Propose an Alternative Process for Forensic Examinations for Sexual Assault Victims

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

Whereas, this resolve establishes the Commission to Propose an Alternative Process for Forensic Examinations of Sexual Assault Victims; and

Whereas, this resolve is necessary to conduct an immediate review of the current forensic examination process and to identify methods to better support victims who have already suffered from the crimes committed against them; and

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

Sec. 1. Commission established. Resolved: That the Commission to Propose an Alternative Process for Forensic Examinations for Sexual Assault Victims, referred to in this resolve as the "commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of 14 members appointed as follows:

1. One member of the Senate who sits on the Joint Standing Committee on Criminal Justice, appointed by the President of the Senate;

2. One member of the House of Representatives who sits on the Joint Standing Committee on Criminal Justice, appointed by the Speaker of the House;

3. One member of the House of Representatives who sits on the Joint Standing Committee on Judiciary, appointed by the Speaker of the House;

4. The Commissioner of Public Safety or the commissioner's designee;

5. The President of the Maine Prosecutors Association or the president's designee;

6. The Victims Services Coordinator for the Department of Corrections;

7. The Director of the Victims' Compensation Program;

8. The legislative chair for the Maine Coalition Against Sexual Assault or the chair's designee;

9. The President of the Maine Chiefs of Police Association or the president's designee;

10. The Director of the Bureau of Children and Family Services, Department of Human Services or the director's designee;

11. The Executive Director of the Maine Hospital Association or the executive director's designee;

12. A Sexual Assault Nurse Examiner, appointed by the President of the Senate;

13. A member of the Maine Emergency Physicians Association, appointed by the Speaker of the House; and

14. A survivor of sexual assault, appointed by the Speaker of the House; and be it further

Sec. 3. Chairs. Resolved: That the Senate member named is the Senate chair and the first House member named is the House chair; and be it further

Sec. 4. Appointments. Resolved: That appointments of members to the commission must be

made no later than 30 days after the effective date of this resolve. The Executive Director of the Legislative Council must be notified by all appointing authorities once the selections have been made. The chairs of the commission shall call and convene the first meeting of the commission no later than July 1, 1999; and be it further

Sec. 5. Duties. Resolved: That the commission shall hold public meetings, invite the participation of experts and interested parties, gather information and request necessary data from public and private entities in order to:

1. Review the current process for providing forensic examinations, medical treatment and reimbursement for these services to sexual assault victims;
2. Identify the forensic examination, medical treatment and reimbursement needs of sexual assault victims;
3. Review other states' processes for providing forensic examinations, medical treatment and reimbursement for these services to sexual assault victims. This review must focus on how and by whom examinations are provided, whether reporting is required and what source of funding pays for the examinations and necessary medical treatment; and
4. If appropriate, make necessary recommendations to propose changes to the State's current process for providing forensic examinations, medical treatment and reimbursement for these services to sexual assault victims; and be it further

Sec. 6. Staff assistance. Resolved: That upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the commission; and be it further

Sec. 7. Expenses. Resolved: That the legislative members of the commission are entitled to receive the legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings of the commission. Other members of the commission who are not otherwise compensated by their employers or other entities whom they represent are entitled to receive reimbursement of necessary expenses for their attendance at authorized meetings of the commission; and be it further

Sec. 8. Report. Resolved: That, by December 15, 1999, the commission shall submit a report of its findings, together with any recommendations for legislation, to the Joint Standing Committee on Criminal Justice. The Joint Standing Committee on Criminal Justice may report out a bill during the Second Regular Session of the 119th Legislature concerning the findings and recommendations of the commission. If the commission requires a limited

extension of time to conclude its study and make its report, it may apply to the Legislative Council, which may grant the extension; and be it further

Sec. 9. Commission budget. Resolved: That the chairs of the commission, with assistance from the commission staff, shall administer the commission's budget. Within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for approval. The commission may not incur expenses that would result in the commission exceeding its approved budget. Upon request from the commission, the Executive Director of the Legislative Council shall promptly provide the commission chairs and staff with a status report on the commission's budget, expenditures incurred and paid and available funds; and be it further

Sec. 10. Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1999-00

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Commission to Propose an Alternative Process for Forensic Examinations for Sexual Assault Victims

Personal Services	\$825
All Other	2,250

Provides funds for the per diem and expenses of legislative members and expenses for other eligible members of the Commission to Propose an Alternative Process for Forensic Examinations for Sexual Assault Victims and to print the required report.

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TOTAL	\$3,075
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Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective June 17, 1999.