

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

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
2000

timber weights and measures standards.

See title page for effective date.

CHAPTER 126

H.P. 1906 - L.D. 2651

Resolve, to Establish the Commission to Study Domestic Violence

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

Whereas, domestic violence is a pervasive and atrocious problem in Maine and nationwide; and

Whereas, for the health and well-being of the people of Maine, it is imperative that reasonable and sound measures be taken to alleviate the problem of domestic violence; and

Whereas, in order to adequately address the problem of domestic violence, it needs to be determined what the issues and problems are and what reasonable and sound measures need to be taken; and

Whereas, this determination needs to be undertaken as soon as possible so that the problem of domestic violence may be alleviated quickly; 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 Study Domestic Violence, referred to in this resolve as the "commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of the following members:

1. Two members of the Senate, appointed by the President of the Senate. When making the appointments, the President shall give preference to members of the Joint Standing Committee on Criminal Justice and the Joint Standing Committee on Judiciary;

2. Three members of the House of Representatives, appointed by the Speaker of the House. When making the appointments, the Speaker shall give preference to members of the Joint Standing Commit-

tee on Criminal Justice and the Joint Standing Committee on Judiciary;

3. One member of the Maine Association of Clerks of Courts who works in the District Court, selected by that association;

4. One member of the Maine Sheriffs Association, selected by that association;

5. One member of the Maine Chiefs of Police Association, selected by that association;

6. The President of the Maine Association of Criminal Defense Lawyers, or the president's designee;

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

8. The Director of the Maine Coalition to End Domestic Violence, or the director's designee;

9. A survivor of domestic violence, appointed by the President of the Senate;

10. The Chair of the Maine Commission on Domestic Abuse, or the chair's designee;

11. The Victims Service Coordinator for the Department of Corrections;

12. The chair of the Maine Association of Batters Intervention Programs or the chair's designee;

13. One member of the Department of Corrections, Division of Probation and Parole, appointed by the Commissioner of Corrections;

14. The Chief of the State Police or the chief's designee;

15. The Commissioner of Human Services or the commissioner's designee; and

16. The Attorney General or the Attorney General's designee.

The commission shall ask the Chief Justice of the Supreme Judicial Court to designate a judge or retired judge from the District Court to serve on the commission as a voting member. Members who are Legislators may serve only while Legislators. If necessary, the President of the Senate and Speaker of the House shall appoint new legislative members; and be it further

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

Sec. 4. Appointments; meetings. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. When the appointment of all members is complete, the chairs of the commission shall call and convene the first meeting of the commission no later than 30 days after all appointments have been made. The commission may hold up to 8 meetings; and be it further

Sec. 5. Duties. Resolved: That the commission shall invite the participation of experts and interested parties, gather information and request necessary data from public and private entities in order to study the problem of domestic violence and determine methods of alleviating this problem, including, but not limited to:

1. Strengthening protection from abuse orders, including improving communication between the courts, law enforcement and other appropriate government agencies regarding notice and verification of protection from abuse orders;

2. Increasing enforcement of probation and bail conditions; and

3. Examining the handling of all aspects of domestic violence cases from investigation to prosecution to movement through the court system; 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. If requested by the commission, the Department of Public Safety, the Department of Corrections and the Office of the Attorney General also shall provide assistance; and be it further

Sec. 7. Compensation. Resolved: That the members of the commission who are Legislators are entitled to the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for necessary expenses incurred 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 that they represent are entitled to receive reimbursement of necessary expenses incurred for their attendance at authorized meetings; and be it further

Sec. 8. Report. Resolved: That the commission shall submit its report, together with any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over criminal justice matters no later than December 5,

2001. The joint standing committee of the Legislature having jurisdiction over criminal justice matters may introduce a bill during the Second Regular Session of the 120th Legislature. If the commission requires a limited extension of time to conclude its work, it may apply to the Legislative Council, which may grant the extension; and be it further

Sec. 9. 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.

2000-01

LEGISLATURE

Commission to Study Domestic Violence

Personal Services	\$1,100
All Other	1,000

Provides funds for the per diem and expenses of legislative members of the Commission to Study Domestic Violence.

LEGISLATURE

TOTAL	\$2,100
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Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective May 8, 2000.
