



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 523

H.P. 367

House of Representatives, February 9, 2017

**Resolve, To Establish the Commission To Review the Laws
Governing Domestic Violence**

(EMERGENCY)

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "R. B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative RECKITT of South Portland.
Cosponsored by Senator BELLOWS of Kennebec and
Representatives: BROOKS of Lewiston, FAY of Raymond, TALBOT ROSS of Portland,
WARREN of Hallowell, Senator: DESCHAMBAULT of York.

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

3 **Whereas,** this legislation establishes the Commission To Review the Laws
4 Governing Domestic Violence; and

5 **Whereas,** the study must be initiated before the 90-day period expires in order that
6 the study may be completed and a report submitted in time for submission to the next
7 legislative session; and

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

12 **Sec. 1. Commission established. Resolved:** That the Commission To Review
13 the Laws Governing Domestic Violence, referred to in this resolve as "the commission,"
14 is established; and be it further

15 **Sec. 2. Commission membership. Resolved:** That the commission consists of
16 11 members appointed as follows:

17 1. Three members of the Senate, appointed by the President of the Senate, including
18 members from each of the 2 parties holding the largest number of seats in the Legislature.
19 When making the appointments, the President shall give preference to members of the
20 Joint Standing Committee on Criminal Justice and Public Safety and the Joint Standing
21 Committee on Judiciary;

22 2. Four members of the House of Representatives, appointed by the Speaker of the
23 House, including members from each of the 2 parties holding the largest number of seats
24 in the Legislature. When making the appointments, the Speaker shall give preference to
25 members of the Joint Standing Committee on Criminal Justice and Public Safety and the
26 Joint Standing Committee on Judiciary;

27 3. The Attorney General or the Attorney General's designee;

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

29 5. A representative of a statewide organization to end domestic violence and assault,
30 appointed by the Speaker of the House; and

31 6. A judge or retired judge from the District Court, appointed by the Chief Justice of
32 the Supreme Judicial Court; and be it further

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

1 **Sec. 4. Appointments; convening of commission. Resolved:** That all
 2 appointments must be made no later than 30 days following the effective date of this
 3 resolve. The appointing authorities shall notify the Executive Director of the Legislative
 4 Council once all appointments have been completed. After appointment of all members,
 5 the chairs shall call and convene the first meeting of the commission. If 30 days or more
 6 after the effective date of this resolve a majority of but not all appointments have been
 7 made, the chairs may request authority and the Legislative Council may grant authority
 8 for the commission to meet and conduct its business; and be it further

9 **Sec. 5. Duties. Resolved:** That the commission shall conduct a comprehensive
 10 examination of the laws governing domestic violence in the State to determine whether
 11 the principles of ensuring victim safety and batterer accountability are upheld under the
 12 existing statutory scheme. The commission shall review the domestic violence laws of
 13 other states, invite the participation of experts and interested parties, gather information
 14 and request necessary data from public and private entities. As part of its review, the
 15 commission shall examine the handling of all aspects of domestic violence cases from
 16 investigation to prosecution to movement through the court system and shall evaluate the
 17 ways in which the needs of victims of domestic violence are or are not being addressed in
 18 the current legal system and the contribution that can be made by laws to deterring
 19 batterers' behavior; and be it further

20 **Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide
 21 necessary staffing services to the commission; and be it further

22 **Sec. 7. Report. Resolved:** That, no later than December 6, 2017, the commission
 23 shall submit a report that includes its findings and recommendations, including suggested
 24 legislation, for presentation to the Second Regular Session of the 128th Legislature.

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

27 SUMMARY

28 This resolve establishes the Commission To Review the Laws Governing Domestic
 29 Violence, which is directed to conduct a comprehensive examination of the laws
 30 governing domestic violence in the State to determine whether the principles of ensuring
 31 victim safety and batterer accountability are upheld under the existing statutory scheme.