

§4115. Maine Commission on Domestic and Sexual Abuse

There is created the Maine Commission on Domestic and Sexual Abuse, as established by Title 5, section 12004-I, subsection 74-C, referred to in this section as "the commission." [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

1. Commission members. The commission is composed as follows.

A. The Governor shall appoint the following to serve as members of the commission:

- (1) A representative of the statewide coalition of domestic violence projects;
- (2) A representative of the statewide coalition of sexual assault centers;
- (3) A representative of the mental health profession;
- (4) A representative of victims of domestic violence;
- (5) A representative of victims of sexual assault;
- (6) Two attorneys with experience in domestic relations cases, one of whom has experience representing victims of domestic abuse;
- (7) A victim of domestic abuse who has used the court system;
- (8) A victim of sexual assault who has used the court system;
- (9) A district attorney or assistant district attorney;
- (10) A chief of a municipal police department or the chief's designee;
- (11) A county sheriff or the sheriff's designee;
- (12) The executive director of a statewide coalition to end domestic violence;
- (13) The executive director of a statewide coalition against sexual assault;
- (14) A person who has experience working in certified domestic violence intervention programs;
- (15) Up to 4 members-at-large;
- (16) Up to 4 members representing underserved populations;
- (17) One tribal member who provides services through a tribal program to tribal members who are victims of domestic or sexual violence;
- (18) An executive director of a tribal coalition against sexual assault and domestic violence;
- (19) A chief of a tribal police department or the chief's designee;
- (20) A representative of a tribal court; and
- (21) A representative of tribal government. [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

B. The commission includes the following ex officio voting members:

- (1) The Attorney General or the Attorney General's designee;
- (2) The Chief of the State Police or the chief's designee;
- (3) The Commissioner of Public Safety or the commissioner's designee;
- (4) The Commissioner of Health and Human Services or the commissioner's designee;
- (5) The Commissioner of Education or the commissioner's designee;
- (6) The Commissioner of Labor or the commissioner's designee; and

- (7) The Commissioner of Corrections or the commissioner's designee. [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]
- C. The Chief Justice of the Supreme Judicial Court is requested to appoint one person to serve the commission in an advisory capacity. [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]
- 2. Terms of office; chair.** The members appointed under subsection 1, paragraph A serve 3-year terms. The Governor shall appoint a chair of the commission from among its members.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]
- 3. Powers and duties.** The commission shall advise and assist the executive, legislative and judicial branches of State Government on issues related to domestic and sexual abuse. The commission may make recommendations on legislative and policy actions, including training of the various law enforcement officers, prosecutors and judicial officers responsible for enforcing and carrying out the provisions of this chapter, and may undertake research development and program initiatives consistent with this section. The entire commission shall meet at least 2 times a year. Subcommittees of the commission may meet as necessary. The commission may accept funds from the Federal Government, from a political subdivision of the State or from an individual, foundation or corporation and may expend these funds for purposes that are consistent with this subsection.
[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]
- 4. Domestic Abuse Homicide Review Panel.** The commission shall establish the Domestic Abuse Homicide Review Panel, referred to in this subsection as "the panel," to review the deaths of persons who are killed by family or household members.
- A. The chair of the commission shall appoint members of the panel who have experience in providing services to victims of domestic and sexual abuse, which must include at least the following: the Chief Medical Examiner, a physician, a nurse, a law enforcement officer, the Commissioner of Health and Human Services, the Commissioner of Corrections, the Commissioner of Public Safety, a judge as assigned by the Chief Justice of the Supreme Judicial Court, a representative of a statewide association of prosecutors, an assistant attorney general responsible for the prosecution of homicide cases designated by the Attorney General, an assistant attorney general handling child protection cases designated by the Attorney General, a victim-witness advocate, a mental health service provider, a facilitator of a certified domestic violence intervention program under section 4116 and 3 persons designated by a statewide coalition of domestic violence programs. Members who are not state officials serve a 2-year term without compensation, except that of those initially appointed by the chair, 1/2 must be appointed for a one-year term. [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]
- B. The panel shall recommend to state and local agencies methods of improving the system for protecting persons from domestic and sexual abuse, including modifications of laws, rules, policies and procedures following completion of adjudication. [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]
- C. The panel shall collect and compile data related to domestic and sexual abuse, including data relating to deaths resulting from domestic abuse when the victim was pregnant at the time of death. [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]
- D. In any case subject to review by the panel, upon oral or written request of the panel, any person that possesses information or records that are necessary and relevant to a homicide review shall as soon as practicable provide the panel with the information and records. Persons disclosing or providing information or records upon the request of the panel are not criminally or civilly liable for disclosing or providing information or records in compliance with this paragraph. [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

E. The proceedings and records of the panel are confidential and are not subject to subpoena, discovery or introduction into evidence in a civil or criminal action. The commission shall disclose conclusions of the panel upon request, but may not disclose information, records or data that are otherwise classified as confidential. [PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

The commission shall submit a report on the panel's activities, conclusions and recommendations to the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 30, 2022, and biennially thereafter.

[PL 2021, c. 647, Pt. A, §3 (NEW); PL 2021, c. 647, Pt. B, §65 (AFF).]

SECTION HISTORY

PL 2021, c. 647, Pt. A, §3 (NEW). PL 2021, c. 647, Pt. B, §65 (AFF).

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