

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 132

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H.P. 88

House of Representatives, January 21, 2021

**An Act To Implement the Attorney General's Recommendations on  
Data Collection in Order To Eliminate Profiling in Maine**

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Received by the Clerk of the House on January 19, 2021. Referred to the Committee on  
Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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

ROBERT B. HUNT  
Clerk

Presented by Representative TALBOT ROSS of Portland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 5 MRSA c. 337-D** is enacted to read:

3 **CHAPTER 337-D**

4 **PROFILING DATA COLLECTION**

5 **§4751. Definitions**

6 As used in this chapter, unless the context otherwise indicates, the following terms  
7 have the following meanings.

8 **1. Law enforcement agency.** "Law enforcement agency" means an agency in the  
9 State charged with enforcement of state, county, municipal or federal laws or laws of a  
10 federally recognized Indian tribe, with the prevention, detection or investigation of  
11 criminal, immigration or customs laws or with managing custody of detained persons in  
12 the State and includes, but is not limited to, a municipal police department, a sheriff's  
13 department, the State Police, a university or college police department and the Department  
14 of Public Safety.

15 **2. Law enforcement officer.** "Law enforcement officer" means a state, county or  
16 municipal official or an official of a federally recognized Indian tribe responsible for  
17 enforcing criminal, immigration or customs laws, including, but not limited to, a law  
18 enforcement officer who possesses a current and valid certificate issued by the Board of  
19 Trustees of the Maine Criminal Justice Academy pursuant to Title 25, section 2803-A.

20 **§4752. Collection of information; reporting of information**

21 **1. Information collected.** Beginning July 1, 2023, a law enforcement agency shall  
22 record and retain the following information regarding traffic violations occurring in this  
23 State:

24 A. The number of persons stopped for traffic violations;

25 B. Characteristics of race, color, ethnicity, gender and age of each person described in  
26 paragraph A. The identification of such characteristics must be based on the  
27 observation and perception of the law enforcement officer responsible for reporting the  
28 stop. The person stopped may not be required to provide the information;

29 C. The nature of each alleged traffic violation that resulted in a stop;

30 D. Whether a warning or citation was issued, an arrest was made or a search was  
31 conducted as a result of each stop for a traffic violation; and

32 E. Any additional information the law enforcement agency determines appropriate.  
33 The additional information may not include any other personally identifiable  
34 information about a person stopped for a traffic violation such as the person's driver's  
35 license number, name or address.

36 **2. Report to Attorney General.** A law enforcement agency shall report the  
37 information required to be recorded and retained under subsection 1 to the Attorney  
38 General pursuant to rules adopted pursuant to section 4753.

1 **§4753. Rules; consultation**

2 **1. Adoption of rules.** By January 1, 2023, the Attorney General shall adopt rules for  
3 the recording, retention and reporting of information pursuant to section 4752 pertaining to  
4 persons stopped for traffic violations. The information must include the characteristics of  
5 race, color, ethnicity, gender and age of the persons stopped, based on the observation and  
6 perception of the law enforcement officer making the stop. Rules adopted pursuant to this  
7 subsection are routine technical rules as defined in chapter 375, subchapter 2-A.

8 **2. Consultation.** In adopting rules pursuant to subsection 1, the Attorney General  
9 shall consult with the Commissioner of Public Safety and interested parties, including law  
10 enforcement agencies and community, professional, research, civil liberties and civil rights  
11 organizations and persons with lived experience of being profiled. The Attorney General  
12 shall ensure that the parties consulted represent the racial and ethnic diversity of the State.

13 **§4754. Report; publication of data**

14 **1. Report.** Beginning January 15, 2024 and annually thereafter, the Attorney General  
15 shall provide to the joint standing committees of the Legislature having jurisdiction over  
16 judiciary matters and criminal justice and public safety matters and make available to the  
17 public a report of the information collected pursuant to this chapter. The report must  
18 include an analysis of the information and may include recommendations for changes in  
19 laws, rules and practices. Information reported may not include personally identifiable  
20 information.

21 **2. Name, personally identifiable information confidential.** The name and  
22 personally identifiable information of a law enforcement officer or any other person  
23 involved in any activity for which information is collected and compiled under this chapter  
24 are confidential and may not be released to the public or disclosed to any person except as  
25 necessary to comply with this chapter or the policies prohibiting profiling adopted as  
26 provided in Title 25, section 2803-B, subsection 1, paragraph E or, if it is information  
27 regarding a particular person, to that person.

28 **SUMMARY**

29 This bill requires all law enforcement agencies, beginning July 1, 2023, to collect  
30 information about each person stopped for a traffic violation. The information must include  
31 the characteristics of race, color, ethnicity, gender and age of those persons. The  
32 identification of such characteristics must be based on the observation and perception of  
33 the law enforcement officer responsible for reporting the stop. The person stopped may  
34 not be required to provide the information. The information must also include whether a  
35 warning or citation was issued, an arrest was made or a search was conducted as a result of  
36 the stop. Each law enforcement agency must report the information to the Attorney  
37 General, who is required to report the information, along with analysis and any  
38 recommendations, to the joint standing committees of the Legislature having jurisdiction  
39 over judiciary matters and criminal justice and public safety matters beginning January 15,  
40 2024 and annually thereafter. The report must be made available to the public.

41 The Attorney General is directed to adopt rules governing the recording, retention and  
42 reporting of the information. In adopting the rules, the Attorney General must consult with  
43 the Commissioner of Public Safety and other interested parties, including law enforcement  
44 agencies and community, professional, research, civil liberties and civil rights

1 organizations and persons with lived experience of being profiled. The Attorney General  
2 must ensure that the parties consulted represent the racial and ethnic diversity of the State.

3 The name and personally identifiable information of a law enforcement officer or any  
4 other person involved in any activity for which information is collected and compiled under  
5 these provisions are confidential.