

MAINE STATE LEGISLATURE

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OFFICE OF
THE GOVERNOR

NO. 02 FY 08/09
DATE July 3, 2007

**AN ORDER TO ENHANCE THE STATE'S REPORTING OF INFORMATION TO THE
NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM**

WHEREAS, persons who have been found by a court to be not criminally responsible by reason of insanity or not competent to stand trial with respect to a criminal charge are barred under federal law from possessing a firearm; and

WHEREAS, the National Instant Criminal Background Check System within the Federal Bureau of Investigation (hereinafter the "NICS") is a database accessible by licensed firearms sellers, and contains the names of individuals who are barred under federal law from possessing a firearm; and

WHEREAS, it is vitally important toward ensuring the safety of the citizens of Maine and of other states that the identities of individuals deemed by Maine courts to be not criminally responsible by reason of insanity or not competent to stand trial, and thus barred from possessing a firearm, be timely reported to the NICS; and

WHEREAS, it is vitally important toward ensuring the safety of the citizens of Maine and of other states that the State develop a long-term strategy for reporting to the NICS the identities of other individuals disqualified from possessing a firearm, including those who have been involuntarily committed to a psychiatric hospital by the Maine District Court.

NOW, THEREFORE, I, John E. Baldacci, Governor of the State of Maine, do hereby order the following:

1. The Maine Department of Public Safety shall work cooperatively with the Judicial Branch to collect the identities of individuals who, beginning on the effective date of this Executive Order, are determined by a court to be not guilty by reason of insanity or not competent to stand trial in a criminal matter. The Department shall then work with the FBI to transmit this information into the NICS. The Department should make all reasonable efforts to report the aforementioned information in the manner most acceptable to the FBI, but shall not forego reporting due to an inability to present the information in the FBI's requested format.

2. The Task Force to Develop Strategies for Enhancing Maine's Contribution to the NICS is hereby created.

Membership

Membership on the Task Force shall include:

- The Commissioner of the Maine Department of Public Safety, or her designee;
- The Commissioner of the Maine Department of Health and Human Services, or her designee;
- The Attorney General of Maine, or his designee;
- The Chief Information Officer of the State of Maine, or his designee;
- One representative of a statewide alliance for the mentally ill;
- One representative of Maine hospitals that serve the mentally ill;
- One representative of federal law enforcement; and
- One public member.

The Chief Justice of the Maine Supreme Judicial Court is invited to designate up to two representatives of the Judicial Branch to serve.

In addition, the President of the Senate may appoint one member of the Senate, and the Speaker of the House may appoint up to two members of the House of Representatives to serve.

From among this membership, the Governor shall appoint the Chair who will preside at, set the agenda for, and schedule meetings of the Task Force.

The members of the Task Force shall serve without compensation.

Purpose

The purposes of the Task Force shall be:

- A. To evaluate the current status of State records systems as they relate to the timely transmission to the appropriate federal officials of: (1) criminal convictions; (2) findings of "not guilty by reason of insanity," and "not competent to stand trial" on criminal matters; and (3) final adjudication rulings concerning involuntary mental health commitments;
- B. To monitor potential changes in federal law impacting the NICS and to gauge Maine's level of compliance; and
- C. If necessary, to design and propose an improved system to transmit such records to the appropriate federal officials and to any other public entities that are charged with firearms licensing issues.

Staff

The Maine Department of Public Safety shall provide staff from existing resources. Government agencies may be called upon by the Task Force to provide information or staff, in very limited capacities, who have a specific expertise related to an issue under consideration by the Task Force.

Meetings

The Task Force shall meet as often as necessary to complete the assigned duties. All meetings shall be open to the public and held in locations determined by the Task Force.

Report

The Task Force shall report the status of its findings and recommendations to the Legislature's Joint Standing Committee on Criminal Justice and Public Safety, and to the Governor, not later than September 1, 2007. The Task Force's final report shall be submitted to the Committee and the Governor not later than December 1, 2007. The Task Force shall dissolve at that time.

Effective Date

The effective date of this Executive Order is July 3, 2007.


John E. Baldacci, Governor