

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1559

S. P. 448

In Senate, April 7, 1975

Referred to Committee on State Government. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Speers of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Establishing a Commission on Criminal Data System Policy.

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

Sec. 1. Commission on Criminal Data System Policy. There is created and established a temporary Commission on Criminal Data System Policy, hereinafter in this chapter referred to as the "commission." It shall be the responsibility of the commission to recommend and oversee the development and implementation of a criminal data system for the State of Maine. The commission may use the technical expertise of the Maine Law Enforcement Planning and Assistance Agency to research "privacy and security" regulations and legislation and to assist in other facets of system development.

Sec. 2. Members of the commission. The Commission on Criminal Data System Policy shall be representative of the executive, legislative and judicial branches of the State of Maine. The membership shall be appointed respectively by the Governor, the legislative leadership and the Chief Justice of the Supreme Judicial Court and each member shall serve for as long as he or she shall qualify in accordance with this chapter or until replaced by the respective appointing authority.

The Governor shall appoint: One local police official; one representative of local corrections; one member who shall be a member of the private bar, either in private criminal practice or on the faculty at the University of Maine School of Law and a District Attorney. To the extent feasible, the foregoing members shall be appointed from the current membership of the Board of Directors of the Maine Law Enforcement Planning and Assistance Agency.

The Chief Justice of the Supreme Judicial Court shall appoint an active Superior Court Justice and a Judge of the District Court.

The legislative leadership shall appoint a member of the Senate and a member of the House who shall also be members of the Joint Standing Committee on Judiciary.

There shall be 5 ex officio members of the commission: The Chief of the Maine State Police or a designee who may act in his behalf; the Director of the Bureau of Corrections or a designee who may act in his behalf; the Director of the Division of Probation and Parole of a designee who may act in his behalf; the Attorney General or a designee from the Criminal Division and the Executive Director of the Maine Law Enforcement Planning and Assistance Agency or a designee who may act in his behalf.

Sec. 3. Duties of the commission. The commission shall have the power to organize itself and enact necessary rules and regulations for the conduct of its business. It shall elect from among its membership a chairman and a vice-chairman at its first organizational meeting which shall be convened within 30 days of the enactment of this chapter.

The secretariat for the commission shall be provided by the Maine Law Enforcement Planning and Assistance Agency.

The commission shall have the following specific responsibilities and shall undertake such additional functions as it deems necessary to fulfill those responsibilities:

1. **Content of offender records.** To determine the content of individual offender records.

2. **Storage.** To determine the media in which such records shall be stored and made available for retrieval.

3. **Dissemination.** To determine the extent to which the contents of such records may be disseminated, to whom they may be released and the purposes for which they may be used.

4. **Feasibility of varying types of storage and retrieval.** To determine the feasibility of varying types of storage and retrieval of such records and recommend implementation of that which is most cost-effective in meeting the needs of Maine.

5. **Provide policy guidance.** To provide such policy guidance as may be requested by respective criminal justice agencies in the development of criminal data systems and related operational activities.

6. **Determine needed legislation and to make appropriations.** To determine needed legislation relating to the storage and retrieval of such records including the necessary safeguards for the protection of individual rights and access to such records; and to make appropriate recommendations for legislative action. The commission shall cooperate with the office of Director of Legislative Research, or its successor, as to matters of form concerning any legislation proposed by the commission. The commission shall submit final drafts of any proposed legislation to the Legislative Council by January 15, 1977.

In the performance of the above duties, the commission may hold public hearings and conferences with any person, persons, organizations and governmental agencies concerned with criminal data systems.

Sec. 4. Funding. The commission is authorized to accept and employ any funding available to it in carrying out the purposes of this chapter. The commissioners shall be paid in accord with state regulation from the available funds of the Maine Law Enforcement Planning and Assistance Agency.

Sec. 5. Duration. The commission shall be dissolved, unless otherwise provided by statute, on June 30, 1977.

STATEMENT OF FACT

Recent state and federal legislation dealing with privacy and security as it relates to official records of individuals make it mandatory that a thorough review of the record system changes or improvements be made before implementation of such changes and improvements. Under a grant from the Law Enforcement Assistance Administration, the Maine Law Enforcement Planning and Assistance Agency, in cooperation with other elements of the Criminal Justice System in Maine, including the State Bureau of Identification, is surveying the possibility and cost effectiveness of a computer-based Criminal Case History system and an interrelated Offender-based Tracking System for Maine. This project is a part of a comprehensive Criminal Data System effort which includes a Uniform Crime Report statistical system which will for the first time provide valid crime statistics for the State. The Uniform Crime Report module is currently federal funded and based in the Department of Public Safety, State Bureau of Identification. A 2nd module of the Criminal Data System is the State Data Analysis Center which is also federally funded and temporarily operating within the aegis of Maine Law Enforcement Planning and Assistance Agency. The major function of this unit is to analyze data generated by or on behalf of all criminal justice agencies to analyze real costs, cost effectiveness, performance measures and other data to assist in mounting the most effective efforts towards the reduction of crime, rehabilitation of offenders and improvements to the system.

The commission would serve as a policy board for the Criminal Data System program; would serve to bring the total Criminal Justice System together in determining what is truly an operational requirement and necessary for the good of society, as contrasted with the rights of the individual.