

# MAINE STATE LEGISLATURE

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1 (EMERGENCY)  
2 (New Draft of H.P. 1325, L.D. 1860)  
3 (New Title)  
4 SECOND REGULAR SESSION  
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6 ONE HUNDRED AND TWELFTH LEGISLATURE  
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8 Legislative Document

No. 2295

9  
10 H.P. 1627

House of Representatives, April 1, 1986

11 Reported by the Majority from the Committee on Judiciary and printed  
12 under Joint Rule 2. Original bill sponsored by Representative Brannigan of  
13 Portland. Cosponsored by Representative Cooper of Windham,  
Representative Allen of Washington, and Senator Tuttle of York.

EDWIN H. PERT, Clerk

14  
15 STATE OF MAINE  
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17 IN THE YEAR OF OUR LORD  
18 NINETEEN HUNDRED AND EIGHTY-SIX  
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20 AN ACT Establishing a Commission to Implement  
21 Computerization of Criminal History  
22 Record Information.  
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24 **Emergency preamble.** Whereas, Acts of the Legis-  
25 lature do not become effective until 90 days after  
26 adjournment unless enacted as emergencies; and

27 Whereas, the State Bureau of Identification main-  
28 tains criminal history record information; and

29 Whereas, this information is not stored in a com-  
30 puter system; and

31 Whereas, the manual search for criminal history  
32 record information upon the request of, among others,  
33 judges and bail commissioners is impossible to com-  
34 plete in a timely fashion; and

1           Whereas, the inability of the State to provide  
2 timely criminal history record information is detri-  
3 mental to the criminal justice system and the public;  
4 and

5           Whereas, the State must begin as soon as possible  
6 to computerize maintenance of criminal history record  
7 information; and

8           Whereas, in the judgment of the Legislature,  
9 these facts create an emergency within the meaning of  
10 the Constitution of Maine and require the following  
11 legislation as immediately necessary for the preser-  
12 vation of the public peace, health and safety; now,  
13 therefore,

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

16           **Sec. 1. Commission created.** There is established  
17 the Commission to Implement the Computerization of  
18 Criminal History Record Information.

19           **Sec. 2. Appointment.** The commission shall con-  
20 sist of 12 members, as follows: Two Senators, ap-  
21 pointed by the President of the Senate; 2 Representa-  
22 tives, appointed by the Speaker of the House of Rep-  
23 resentatives; the Attorney General or his designee;  
24 the Commissioner of Public Safety or his designee;  
25 the Director of the State Bureau of Identification or  
26 his designee; the State Court Administrator or his  
27 designee; a member of the Maine Prosecutors Associa-  
28 tion, appointed by the president of that association;  
29 a member of the Maine Chiefs of Police Association,  
30 appointed by the president of that association; the  
31 Commissioner of Corrections or his designee; and the  
32 Director of the Bureau of Central Computer Services  
33 or his designee. The Warden of the Maine State Prison  
34 shall advise the commission upon request. The commis-  
35 sion shall ask the Chief Justice of the Supreme Judi-  
36 cial Court to appoint a judge or justice to serve as  
37 an advisor to the commission.

38           Each person required to make an appointment or  
39 appointments under this section shall inform the Ex-  
40 ecutive Director of the Legislative Council upon mak-

1 ing the appointment or appointments. The commission  
2 shall select a chairman from among its members.

3       **Sec. 3. Duties.** The commission shall investigate  
4 and prepare recommendations to automate and computer-  
5 ize the State's criminal history record information  
6 data system. The commission shall investigate and  
7 recommend:

8       1. The types of data to be included in a comput-  
9 erized criminal history record information data sys-  
10 tem, the entities to provide data to that system and  
11 the entities to be served by and connected to that  
12 system;

13       2. Appropriate computer hardware and software  
14 for establishment of a computerized criminal history  
15 record information data system;

16       3. Qualified personnel to enter, maintain, re-  
17 trieve and delete data from a computerized criminal  
18 history record information data system; and

19       4. A method to verify accurate data entry into a  
20 computerized criminal history record information data  
21 system and to maintain security for that system.

22       **Sec. 4. Report.** The commission shall present its  
23 report and recommendations, together with any recom-  
24 mended legislation, to the Second Regular Session of  
25 the 113th Legislature by January 15, 1988.

26       **Sec. 5. Assistance.** The commission may contract  
27 with an independent computer consultant for assist-  
28 ance.

29       **Sec. 6. Compensation.** The members of the commis-  
30 sion who are Legislators shall receive the legisla-  
31 tive per diem, as defined in the Maine Revised Stat-  
32 utes, Title 5, section 12002, for days of attendance  
33 at commission meetings. If the commission meets on a  
34 day when the Legislature is in session, the members  
35 of the commission who are Legislators shall receive  
36 only one legislative per diem on that day. All mem-  
37 bers of and advisors to the commission who are not  
38 executive department employees or employees of the  
39 Department of the Attorney General shall receive ex-

1 penses as defined in the Maine Revised Statutes, Ti-  
2 tle 5, section 12002, upon application to the Execu-  
3 tive Director of the Legislative Council for those  
4 expenses.

5       **Sec. 7. Convening of commission.** The Executive  
6 Director of the Legislative Council shall call the  
7 commission together for its first meeting no later  
8 than July 7, 1986.

9       **Sec. 8. Appropriation.** The following funds are  
10 appropriated from the General Fund to carry out the  
11 purposes of this Act.

12 1986-87

13 LEGISLATURE

14	Commission to Implement	
15	Computerization of	
16	Criminal History Record	
17	Information	
18	All Other	\$800

19       **Emergency clause.** In view of the emergency cited  
20 in the preamble, this Act shall take effect when ap-  
21 proved.

22 FISCAL NOTE

23       This new draft requires an \$800 General Fund ap-  
24 propriation in fiscal year 1987 for per diem and oth-  
25 er related commission expenses.

26       In fiscal year 1988, a \$4,800 General Fund appro-  
27 priation will be needed for additional commission  
28 member expenses as well as for report printing costs.

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STATEMENT OF FACT

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The purpose of this new draft is to establish a commission that will create a proposal for the implementation of an automated and computerized criminal history record information data system. The proposal will be submitted to the Second Regular Session of the 113th Legislature.

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