

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND THIRTEENTH LEGISLATURE
4

5 Legislative Document

No. 135
6

7 S.P. 68

In Senate, January 28, 1987

8 Reference to the Committee on State and Local Government
9 suggested and ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate
Presented by Senator BRANNIGAN of Cumberland.

11 Cosponsored by Representative LACROIX of Oakland,
Representative PARADIS of Old Town, Senator SEWALL of Lincoln.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-SEVEN
16

17 AN ACT to Establish the State Bureau of
18 Identification as an Independent
19 Bureau within the Department of Public
20 Safety.
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22 Be it enacted by the People of the State of Maine as
23 follows:

24 Sec. 1. 5 MRSA §948, sub-§1, ¶D-1 is enacted to
25 read:

26 D-1. Director, State Bureau of Identification;

27 Sec. 2. 25 MRSA §1541, as amended by PL 1985, c.
28 785, Pt. B, §110, is further amended to read:

29 §1541. Director

1 1. Appointment. The Chief of the State Police
2 Commissioner of Public Safety shall appoint a person
3 who has knowledge of the various standard identifica-
4 tion systems and Maine court procedure to be command-
5 ing officer Director of the State Bureau of Identifi-
6 cation, heretofore established within the Bureau of
7 State Police Department of Public Safety. The salary
8 of the director shall be established by the commis-
9 sioner in consultation with the Governor.

10 2. Personnel. The Commissioner of Public Safety,
11 in consultation with the Chief of the State Police,
12 may delegate members of the State Police to serve in
13 the bureau upon request of the commanding officer
14 director. The commanding officer shall have the au-
15 thority to director may hire such civilian personnel,
16 subject to the Civil Service Law and the approval of
17 the Chief of the State Police commissioner, as he may
18 deem considers necessary.

19 3. Cooperation with other bureaus. The command-
20 ing officer director shall cooperate with similar bu-
21 reaus in other states and with the national bureau in
22 the Department of Justice in Washington, D. C. and he
23 shall develop and carry on an interstate, national
24 and international system of identification.

25 4. Rules. The commanding officer director shall
26 make and forward to all persons charged with any duty
27 or responsibility under this section and sections
28 1542, 1544, 1547 and 1549, rules, regulations and
29 forms for the taking, filing, preserving and distrib-
30 uting of fingerprints and other criminal history
31 record information as provided in this chapter. Be-
32 fore becoming effective, such these rules, regula-
33 tions and forms are to be approved by the Attorney
34 General.

35 5. Apparatus and materials. The Chief of the
36 State Police Commissioner of Public Safety shall sup-
37 ply such the bureau with the necessary apparatus and
38 materials for collecting, filing, preserving and dis-
39 tributing criminal history record information.

40 Sec. 3. 25 MRSA §1542, sub-§4, as amended by PL
41 1975, c. 763, §5, is further amended to read:

1 4. Duty to submit. It shall be the duty of the
2 head of the arresting agency, or his designee, to
3 transmit, within 5 days of the date of arrest, to the
4 State Bureau of Identification the criminal finger-
5 print record of any person whose fingerprints are
6 taken pursuant to subsection 1, ~~paragraphs~~ paragraph
7 A, B or C. Law enforcement agencies other than the
8 arresting agency shall not submit to the State Bureau
9 of Identification a criminal fingerprint record for
10 any person whose fingerprints are taken pursuant to
11 subsection 1, ~~paragraphs~~ paragraph A, B or C, unless
12 expressly requested to do so by the ~~Commanding~~
13 ~~Officer~~ Director of the State Bureau of Identifica-
14 tion.

15 It shall be the duty of the Director of the Bureau of
16 Corrections, or his designee, to transmit, within 5
17 days of the date of death, to the State Bureau of
18 Identification, the criminal fingerprint record of
19 any deceased person whose fingerprints are taken pur-
20 suant to subsection 1, paragraph E.

21 Sec. 4. 25 MRSA §2902, sub-§3-A is enacted to
22 read:

23 3-A. State Bureau of Identification. The State
24 Bureau of Identification, which shall be under the
25 direction of the Director of the State Bureau of
26 Identification;

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STATEMENT OF FACT

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The purpose of this bill is to remove the State Bureau of Identification from the position of a division within the Bureau of State Police. This bill places the State Bureau of Identification within the Department of Public Safety as a separate bureau with its own director.

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Section 1 of the bill amends the Maine Revised Statutes, Title 5 to place the Director of the State Bureau of Identification within the category of major policy-influencing positions within the Department of Public Safety.

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Sections 2 and 3 of the bill amend the chapter establishing the State Bureau of Identification. The bureau is removed from the supervisory authority of the State Police and placed directly under the supervision of the Commissioner of Public Safety. The commanding officer of the bureau is replaced by a director.

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Section 4 of the bill places the State Bureau of Identification in the Department of Public Safety at an organizational level comparable to that of the Bureau of State Police, Office of the State Fire Marshal and Bureau of Liquor Enforcement.

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