

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 816

S.P. 289

In Senate, March 19, 1987

Reference to the Committee on Legal Affairs suggested and ordered printed.

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

Cosponsored by Senator SEWALL of Lincoln, Representative  
PARADIS of Augusta, Representative LACROIX of Oakland.

STATE OF MAINE

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

1 AN ACT Concerning the Taking of Fingerprints  
2 and Submission to the State Bureau of  
3 Identification.  
4

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

7 Sec. 1. 25 MRSA §1542, sub-§1, as amended by PL  
8 1981, c. 493, §101, is further amended to read:

9 1. Fingerprints. Law enforcement officers or  
10 persons in charge of state correctional institutions  
11 under the general supervision, management and control  
12 of the Department of Mental Health and Mental  
13 Retardation Corrections shall have the authority to  
14 take or cause to be taken, and shall take or cause to  
15 be taken, the fingerprints of any person:

- 1 A. In custody charged with the commission of a  
2 crime;
- 3 B. In custody charged with the commission of a  
4 juvenile offense;
- 5 C. In custody and believed to be a fugitive from  
6 justice;
- 7 D. Named in a search warrant which directs that  
8 such person's fingerprints, palm prints or photo-  
9 graph be taken;
- 10 E. Who dies while confined at a jail, police  
11 station or any facility operated by the Bureau  
12 Department of Corrections;
- 13 F. Who may have died by violence or by the ac-  
14 tion of chemical, thermal or electrical agents,  
15 or following abortion, or suddenly when not dis-  
16 abled by recognizable disease, or whose death is  
17 unexplained or unattended, if directed to do so  
18 by the Attorney General or District Attorney; or
- 19 G. The taking of whose fingerprints, palm prints  
20 or photograph has been ordered by a court. At  
21 the time of sentencing, the court shall inquire  
22 whether a person convicted of the following  
23 crimes has been fingerprinted under paragraph A  
24 or B:
- 25 (1) Title 15, section 393;
- 26 (2) Title 17, chapter 93-B;
- 27 (3) A Class A, B or C crime under Title  
28 17-A;
- 29 (4) Title 29, chapter 18-A; or
- 30 (5) A Class B or C crime under Title 29,  
31 section 2501-A.
- 32 If a person convicted of a crime listed in  
33 subparagraphs 1 to 5 has not been fingerprinted  
34 under paragraph A or B, the court shall order an  
35 appropriate law enforcement agency or officer to

1 take the person's fingerprints. An appropriate  
2 law enforcement agency or officer may include the  
3 agency, officer or other person in charge of the  
4 county jail or other correctional institution in  
5 which the person will serve a term of imprison-  
6 ment to which he is sentenced by the court.

7 Sec. 2. 25 MRSA §1542, sub-§4, as enacted by PL  
8 1975, c. 763, §5, is repealed and the following en-  
9 acted in its place:

10 4. Duty to submit. It is the duty of the head  
11 of the arresting agency, or his designee, to trans-  
12 mit, within 5 days of the date of arrest, to the  
13 State Bureau of Identification the criminal finger-  
14 print record of any person whose fingerprints are  
15 taken pursuant to subsection 1, paragraph C. It is  
16 also the duty of the head of the arresting agency, or  
17 his designee, to transmit within 5 days of the date  
18 of arrest, to the State Bureau of Identification the  
19 criminal fingerprint record of any person whose fin-  
20 gerprints are taken pursuant to subsection 1, para-  
21 graphs A or B and who is charged with the commission  
22 of one or more of the following crimes:

23 A. Title 15, section 393;

24 B. Title 17, chapter 93-B;

25 C. A Class A, B or C crime under Title 17-A;

26 D. Title 29, chapter 18-A; or

27 E. A Class B or C crime under Title 29, section  
28 2501-A.

29 Law enforcement agencies other than the arresting  
30 agency shall not submit to the State Bureau of Iden-  
31 tification a criminal fingerprint record for any per-  
32 son whose fingerprints are taken pursuant to subsec-  
33 tion 1, paragraphs A, B or C, unless expressly re-  
34 quested to do so by the commanding officer of the  
35 State Bureau of Identification.

36 It is the duty of the law enforcement agency or offi-  
37 cer ordered by the court under subsection 1, para-  
38 graph G, subparagraphs 1 to 5 to take the finger-

1 prints of a convicted person to transmit, within 10  
2 days of the date of the court order, to the State Bu-  
3 reau of Identification the convicted person's crimi-  
4 nal fingerprint record.

5 It is the duty of the Commissioner of Corrections, or  
6 his designee, to transmit, within 5 days of the date  
7 of death, to the State Bureau of Identification, the  
8 criminal fingerprint record of any deceased person  
9 whose fingerprints are taken pursuant to subsection  
10 1, paragraph E.

11 STATEMENT OF FACT

12 The purpose of this bill is to ensure that per-  
13 sons convicted of certain crimes are fingerprinted  
14 and that their fingerprints are submitted to the  
15 State Bureau of Identification.

16 At the time of sentencing a person convicted of  
17 certain Class A, B or C crimes, the court is to in-  
18 quire whether the convicted person was fingerprinted  
19 at the time of arrest. If not, the court must order  
20 an appropriate law enforcement agency or officer to  
21 take the person's fingerprints. The crimes about  
22 which the court must inquire are:

23 1. Title 15, section 393, possession of firearms  
24 by a felon;

25 2. Title 17, chapter 93-B, sexual exploitation  
26 of minors;

27 3. Class A, B and C crimes under Title 17-A, the  
28 Maine Criminal Code;

29 4. Title 29, chapter 18-A, habitual offenders;  
30 and

31 5. Class B and C crimes under Title 29, section  
32 2501-A, refusing to stop for a law enforcement offi-  
33 cer.

34 Current law requires a law enforcement agency to  
35 submit fingerprints of all persons it arrests to the

1 State Bureau of Identification. This bill requires  
2 the submission of fingerprints only for persons ar-  
3 rested and charged with the commission of a felony  
4 under the laws listed in this bill.

5 This bill also requires a law enforcement agency  
6 or officer, ordered by the court to fingerprint a  
7 person convicted of a felony listed in this bill, to  
8 submit those fingerprints to the State Bureau of  
9 Identification.

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