

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

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Legislative Document

No. 544

H.P. 425

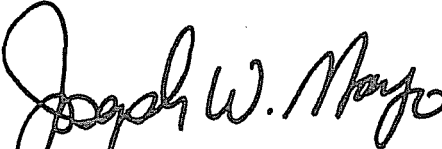
House of Representatives, February 17, 1993

**An Act Regarding Missing Children.**

(EMERGENCY)

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Reference to the Committee on Judiciary suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative HOLT of Bath.

Cosponsored by Representatives: CHONKO of Topsham, QUINT of Paris, Senator: CAHILL of Sagadahoc.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the model federal statute on missing children was enacted in 1982; and

Whereas, only 8 states have not enacted similar legislation; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 25 MRSA §2151, as amended by PL 1991, c. 201, is repealed.

Sec. 2. 25 MRSA §§2152 to 2156 are enacted to read:

**§2152. Short title**

This chapter may be known and cited as the Missing Children Act.

**§2153. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Clearinghouse.** "Clearinghouse" means the Missing Children Information Clearinghouse established pursuant to section 2155.

**2. Commissioner.** "Commissioner" means the Commissioner of Public Safety.

**3. Department.** "Department" means Department of Public Safety.

**4. Director.** "Director" means the Director of the Missing Children Information Clearinghouse.

**5. Missing child.** "Missing child" means an individual:

**A. Who is under 18 years of age;**

2 B. Whose temporary or permanent residence is in or is  
believed to be in this State;

4 C. Whose location is not determined; and

6 D. Who has been reported as missing to a law enforcement  
8 agency.

10 6. Missing child report. "Missing child report" means a  
report prepared on a form designated by the department for use by  
12 private citizens and law enforcement agencies to report  
information about missing children to the clearinghouse.

14 **§2154. Missing child reports**

16 1. Duty of law enforcement agency. Upon the filing of a  
missing child report by the child's parents, guardian or legal  
18 custodian, the law enforcement agency receiving written  
notification shall immediately:

20 A. Inform all on-duty law enforcement officers of the  
22 missing child report;

24 B. Communicate the report to every other law enforcement  
26 agency having jurisdiction in the county in which the report  
was filed;

28 C. Transmit the report for inclusion in the State Police  
30 computer files on missing children; and

32 D. Submit information in the missing child report to the  
clearinghouse.

34 2. Report status. A missing child report filed with a law  
enforcement agency having jurisdiction is sufficient  
36 documentation for entering a juvenile in the missing persons file  
maintained by the clearinghouse and the National Crime  
38 Information Center or its successor.

40 3. Parental kidnapping. In the case of parental  
kidnapping, the law enforcement agency shall obtain, when  
42 possible, a certified copy of the custody papers from the  
reporting parent, guardian or legal custodian.

44 **§2155. Missing Children Information Clearinghouse**

46 1. Establishment; purpose. The Missing Children  
48 Information Clearinghouse is established within the department as  
a central repository of information regarding missing children.  
50 That information must be collected and disseminated.

2           2. Commissioner; duties. The commissioner shall appoint a  
3 director who shall supervise the clearinghouse. The commissioner  
4 shall establish services determined appropriate to aid in the  
5 location of missing children.

6           3. Director; duties. The director shall:

7           A. Establish a system of intrastate communication of  
8 information related to missing children who are determined  
9 missing by their parents, guardians, legal custodians or by  
10 a law enforcement agency;

11           B. Provide a centralized file for the exchange of  
12 information on missing children within the State;

13           C. Interface with the National Crime Information Center, or  
14 its successor, for the exchange of information; and

15           D. Collect, process, maintain and disseminate information  
16 on missing children and strive to maintain or disseminate  
17 accurate and complete information.

18           4. Receipt of reports. A law enforcement agency shall  
19 submit to the clearinghouse information received by the law  
20 enforcement agency pursuant to section 2154. Any parent or legal  
21 guardian may submit a missing child report to the clearinghouse  
22 regardless of the circumstances, subsequent to reporting the  
23 child missing to the appropriate law enforcement agency within  
24 the county in which the child became missing. The report must be  
25 included in the clearinghouse data base.

26           **§2156. Location of child**

27           1. Notification. The parent, guardian or legal custodian  
28 who is responsible for notifying the clearinghouse or a law  
29 enforcement agency about a missing child shall immediately notify  
30 the clearinghouse or the agency of any child whose location has  
31 been determined.

32           2. Purging. Information received about a missing child  
33 pursuant to section 2154 that has been included in the  
34 clearinghouse must be purged from the data base by the  
35 appropriate law enforcement agency immediately upon location of  
36 the child.

37           Emergency clause. In view of the emergency cited in the  
38 preamble, this Act takes effect when approved.

## STATEMENT OF FACT

2  
4 This bill enacts the Missing Children Act modelled after  
6 Florida law, which is based upon federal law enacted in 1982.  
8 The bill requires a law enforcement agency to respond immediately  
10 to notification that a child is missing by informing all on-duty  
law enforcement officers and other law enforcement agencies in  
the area. The bill establishes a Missing Children Information  
Clearinghouse within the Department of Public Safety that, among  
other duties, will interface with the National Crime Information  
Center concerning missing children.