

MAINE STATE LEGISLATURE

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R.S.

L.D. 1221

DATE: May 16, 1995

(Filing No. S-145)

CRIMINAL JUSTICE

Reported by: Senator BENOIT of Franklin for the Committee.

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STATE OF MAINE SENATE 117TH LEGISLATURE FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A " to S.P. 448, L.D. 1221, Bill, "An Act to Establish Responsibility for the Investigation of the Use of Deadly Force by Law Enforcement Officers"

Amend the bill by inserting after the title and before the enacting clause the following:

'Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.'

Further amend the bill in section 1 in the indented paragraph by striking out all of the last underlined sentence (page 1, lines 12 to 15 in L.D.).

Further amend the bill by inserting at the end before the statement of fact the following:

'FISCAL NOTE

This bill adds an additional notification requirement on local law enforcement agencies. The additional costs of this state mandate are expected to be minor. Pursuant to the mandate preamble, the 2/3 vote of all members elected to each House

COMMITTEE AMENDMENT

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exempts the State from the constitutional requirement to fund 90%
of the additional local costs.

The costs associated with the additional investigations
required by this bill can be absorbed by the Department of the
Attorney General utilizing existing budgeted resources.'

STATEMENT OF FACT

This amendment strikes language that allows the Attorney
General to designate any other law enforcement agency to conduct
an investigation in a case of use of deadly force by a law
enforcement officer. The Attorney General must conduct all such
investigations.

The amendment also adds a mandate preamble and a fiscal note
to the bill.