

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 272

H.P. 194

House of Representatives, January 11, 1999

**Resolve, Establishing a Commission to Study High-speed Chases.**

(EMERGENCY)

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Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative BRENNAN of Portland.  
Cosponsored by Senator O'GARA of Cumberland and  
Representatives: GAGNON of Waterville, MUSE of South Portland, O'NEAL of Limestone,  
O'NEIL of Saco, POVICH of Ellsworth, QUINT of Portland, THOMPSON of Naples,  
WHEELER of Eliot.

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

4  
6           **Whereas,** the Legislature has learned of the controversy and  
danger surrounding the use of high-speed chases by law  
enforcement officers; and

8  
10          **Whereas,** exploring the purpose and application of high-speed  
chases is necessary to ensure the safety of the citizens of the  
State, as well as the law enforcement officers who are charged  
with the citizens' protection; and

12  
14          **Whereas,** emergency legislation is needed to begin the study  
promptly and ensure that the issue is addressed thoroughly; and

16  
18          **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

20  
22          **Sec. 1. Commission established. Resolved:** That the Commission  
to Study High-speed Chases, referred to in this section as the  
"commission," is established; and be it further

24  
26          **Sec. 2. Membership. Resolved:** That the commission consists  
of 11 members appointed as follows:

28  
30           1. Two Legislators who are members of the Joint Standing  
Committee on Criminal Justice and who jointly chair the  
commission, one of whom must be a Senator appointed by the  
President of the Senate, and one of whom must be a member of the  
House of Representatives appointed by the Speaker of the House;

32  
34           2. The Attorney General, or the Attorney General's designee;

36  
38           3. The Commissioner of Public Safety, or the commissioner's  
designee;

40  
42           4. The Chief of the State Police, or the chief's designee;

44           5. The President of the Maine Chiefs of Police Association,  
or the president's designee;

46           6. The President of the Maine Sheriffs' Association, or the  
president's designee;

2           7. The President of the Maine Prosecutors Association, or  
the president's designee;

4           8. The President of the Maine Association of Criminal  
6 Defense Lawyers, or the president's designee; and

8           9. Two members of the public, one of whom must be appointed  
by the President of the Senate, and one of whom must be appointed  
10 by the Speaker of the House; and be it further

12           **Sec. 3. Appointments; meetings. Resolved:** That all  
appointments must be made no later than 45 days following the  
14 effective date of this resolve. The appointing authorities shall  
notify the Executive Director of the Legislative Council upon  
16 making their appointments. When the appointment of all members  
is complete, the chairs of the commission shall call and convene  
18 the first meeting of the commission no later than August 15,  
1999; and be it further

20           **Sec. 4. Duties. Resolved:** That the commission shall study  
22 current law enforcement policies governing the use of high-speed  
chases, current practices involved in high-speed chases, a  
24 history of the high-speed chases that have occurred in this State  
and a review of other states' policies and procedures regarding  
26 the use of high-speed chases. The commission may seek  
information from experts and other interested parties. Using  
28 this information, the commission shall consider the need for  
reducing the use of high-speed chases and setting additional  
30 parameters regarding when and how high-speed chases are to be  
conducted. The commission shall make a report in accordance with  
32 section 8; and be it further

34           **Sec. 5. Staff assistance. Resolved:** That the Department of  
Public Safety shall provide staffing and clerical assistance to  
36 the commission, and the department may seek legislative drafting  
assistance from the Legislative Council; and be it further

38           **Sec. 6. Meetings. Resolved:** That the commission may meet up  
40 to 4 times; and be it further

42           **Sec. 7. Reimbursement. Resolved:** That the members of the  
commission who are Legislators are entitled to receive the  
44 legislative per diem, as defined in the Maine Revised Statutes,  
Title 3, section 2, for each day's attendance at meetings of the  
46 commission. The Executive Director of the Legislative Council  
shall administer the commission's budget; and be it further

48           **Sec. 8. Report. Resolved:** That the commission shall submit a  
50 report and any necessary implementing legislation to the Joint  
Standing Committee on Criminal Justice by December 1, 1999. The

2 Joint Standing Committee on Criminal Justice may submit  
legislation in the Second Regular Session of the 119th  
4 Legislature to implement the recommendations of the commission.

6 **Emergency clause.** In view of the emergency cited in the  
preamble, this resolve takes effect when approved.

8  
10 **SUMMARY**

12 The resolve establishes the Commission to Study High-speed  
Chases. The commission consists of 11 members, 2 of whom are  
14 Legislators, 2 of whom are members of the public and 7 of whom  
are law enforcement officials.

16 The duties of the commission include studying current law  
enforcement policies governing the use of high-speed chases, the  
18 history of high-speed chases in Maine and other states' use of  
high-speed chases. Using this information, the commission shall  
20 report its findings to the Joint Standing Committee on Criminal  
Justice by December 1, 1999. The Joint Standing Committee on  
22 Criminal Justice may submit legislation in the Second Regular  
Session of the 119th Legislature to implement the commission's  
24 recommendations.