

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 249

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H.P. 204

House of Representatives, January 23, 2003

### **An Act to Aid Law Enforcement in Complying with Maine's Freedom of Access Laws**

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Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative KOFFMAN of Bar Harbor.  
Cosponsored by Representative MILLS of Farmington, Senator MARTIN of Aroostook and  
Representatives: COWGER of Hallowell, DUNLAP of Old Town, McLAUGHLIN of Cape  
Elizabeth, NORBERT of Portland, PINGREE of North Haven, SIMPSON of Auburn,  
Senators: CATHCART of Penobscot, ROTUNDO of Androscoggin.

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

4 **Sec. 1. 25 MRSA §2803-B, sub-§1, ¶¶G and H,** as enacted by PL  
1993, c. 744, §5, are amended to read:

6 G. Citizen complaints of police misconduct; and

8 H. Criminal conduct engaged in by law enforcement  
officers; and

10 **Sec. 2. 25 MRSA §2803-B, sub-§1, ¶I** is enacted to read:

12 I. Compliance with the requirements of Title 1, sections  
14 401 to 410.

16 **Sec. 3. 25 MRSA §2803-B, sub-§§2 and 3,** as amended by PL 2001,  
18 c. 686, Pt. B, §1, are further amended to read:

20 **2. Minimum policy standards.** The board shall establish  
22 minimum standards for each law enforcement policy no later than  
24 June 1, 1995, except that policies for expanded requirements for  
domestic violence under subsection 1, paragraph D, subparagraphs  
(1) to (3) may be established no later than January 1, 2003 and  
policies for compliance under subsection 1, paragraph I must be  
established no later than June 1, 2004.

26 **3. Agency compliance.** The chief administrative officer of  
28 each law enforcement agency shall certify to the board no later  
30 than January 1, 1996 that the agency has adopted written policies  
consistent with the minimum standards established by the board  
32 pursuant to subsection 2, except that certification to the board  
for expanded policies for domestic violence under subsection 1,  
34 paragraph D, subparagraphs (1) to (3) must be made to the board  
no later than June 1, 2003 and policies for compliance under  
subsection 1, paragraph I must be established no later than  
36 January 1, 2005. This certification must be accompanied by  
copies of the agency policies. The chief administrative officer  
38 of each agency shall certify to the board no later than June 1,  
1996 that the agency has provided orientation and training for  
40 its members with respect to the policies, except that  
certification for orientation and training with respect to  
42 expanded policies for domestic violence under subsection 1,  
paragraph D must be made to the board no later than January 1,  
44 2004 and policies for compliance under subsection 1, paragraph I  
must be established no later than June 1, 2005.

## SUMMARY

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4       This bill requires that all law enforcement agencies add to  
6       their existing collection of mandatory written policies one that  
8       addresses compliance with Maine's freedom of access laws, which  
10      govern citizen access to public records and proceedings. It  
12      further provides that the Board of Trustees of the Maine Criminal  
Justice Academy shall establish, by June 2004, minimum standards  
that each agency policy is required to meet and establishes  
deadlines in 2005 by which each law enforcement agency is  
required to adopt a policy and provide training and orientation  
to its personnel regarding the policy.