

MAINE STATE LEGISLATURE

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L.D. 891

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DATE: 4/15/04

(Filing No. H-940)

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
SECOND SPECIAL SESSION**

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to S.P. 286, L.D. 891, Bill, "An Act To Require the Videotaping of Police Interrogations"

Amend the amendment by striking out the substitute title and replacing it with the following:

'An Act To Require Law Enforcement Agencies To Adopt Policies Concerning Recording and Preservation of Interviews'

Further amend the amendment by inserting after the substitute title the following:

'Further amend the bill by inserting after the title 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, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.'

Further amend the amendment by striking out all of sections 1 and 2 and inserting in their place the following:

'Sec. 1. 25 MRSA §2803-B, sub-§1, ¶H, as amended by PL 2003, c. 370, §1, is further amended to read:

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

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6 **Sec. 2. 25 MRSA §2803-B, sub-§1, ¶I**, as enacted by PL 2003, c.
370, §2, is amended to read:

8 I. Death investigations, including at a minimum the
10 protocol of the Department of the Attorney General regarding
such investigations; and

12 **Sec. 3. 25 MRSA §2803-B, sub-§1, ¶J** is enacted to read:

14 J. Digital, electronic, audio, video or other recording of
16 law enforcement interviews of suspects in serious crimes and
the preservation of investigative notes and records in such
18 cases.

20 **Sec. 4. 25 MRSA §2803-B, sub-§§2 and 3**, as amended by PL 2003,
c. 370, §3, are further amended to read:

22 **2. Minimum policy standards.** The board shall establish
24 minimum standards for each law enforcement policy no later than
June 1, 1995, except that policies for expanded requirements for
26 domestic violence under subsection 1, paragraph D, subparagraphs
(1) to (3) must be established no later than January 1, 2003 and;
28 policies for death investigations under subsection 1, paragraph I
must be established no later than January 1, 2004; and policies
for the recording and preservation of interviews of suspects in
30 serious crimes under subsection 1, paragraph J must be
established no later than January 1, 2005.

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34 **3. Agency compliance.** The chief administrative officer of
each law enforcement agency shall certify to the board no later
36 than January 1, 1996 that the agency has adopted written policies
consistent with the minimum standards established by the board
38 pursuant to subsection 2, except that certification to the board
for expanded policies for domestic violence under subsection 1,
40 paragraph D, subparagraphs (1) to (3) must be made to the board
no later than June 1, 2003 and; certification to the board for
42 adoption of a death investigation policy under subsection 1,
paragraph I must be made to the board no later than June 1, 2004;
and certification to the board for adoption of a policy for the
44 recording and preservation of interviews of suspects in serious
crimes under subsection 1, paragraph J must be made to the board
46 no later than June 1, 2005. This The certification must be
48 accompanied by copies of the agency policies. The chief
administrative officer of each agency shall certify to the board
50 no later than June 1, 1996 that the agency has provided
orientation and training for its members with respect to the

2 policies, except that certification for orientation and training
with respect to expanded policies for domestic violence under
4 subsection 1, paragraph D must be made to the board no later than
January 1, 2004 and; certification for orientation and training
6 with respect to policies regarding death investigations must be
made to the board no later than January 1, 2005; and
8 certification for orientation and training with respect to
policies regarding the recording and preservation of interviews
of suspects in serious crimes under subsection 1, paragraph J
10 must be made to the board no later than January 1, 2005.'

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SUMMARY

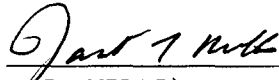
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16 This amendment incorporates the provisions of House
Amendment "A" to Committee Amendment "A" and adds a mandate
preamble.

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SPONSORED BY:


(Representative J. MILLS)

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TOWN: Farmington

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FISCAL NOTE REQUIRED
(See attached)

**121st Maine Legislature
Office of Fiscal and Program Review**



LD 891

An Act to Require the Videotaping of Police Interrogations

LR 0575(12)

Fiscal Note for House Amendment " " to Committee Amendment " "

Sponsor: Rep. Mills

Fiscal Note Required: Yes

Fiscal Note

Exempt State Mandate

| | 2003-04 | 2004-05 | Projections 2005-06 | Projections 2006-07 |
|-----------------------------------|----------------|----------------|--------------------------------|--------------------------------|
| Net Cost (Savings) | | | | |
| General Fund | \$0 | (\$1,000) | \$0 | \$0 |
| Appropriations/Allocations | | | | |
| General Fund | \$0 | (\$1,000) | \$0 | \$0 |

State Mandate

New or Expanded Activity

Requiring local law enforcement agencies to adopt certain written policies is an unfunded state mandate. While the exact costs can not be determined at this time, the costs of developing written policies is not expected to be significant. Pursuant to the Mandate Preamble, the two-thirds vote of all members elected to each House exempts the State from the constitutional requirement to fund 90% of the additional local costs.

Unit Affected

Municipality
County

Costs

Insignificant

Fiscal Detail and Notes

This amendment removes the \$1,000 appropriation that was in the committee amendment. The mandate for the purchase of surplus recording equipment by law enforcement agencies is eliminated but is replaced by the above described mandate for written policies.