

MAINE STATE LEGISLATURE

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MM
R.O.S.

L.D. 891

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DATE: 4-14-04

(Filing No. S- 514)

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**STATE OF MAINE
SENATE
121ST LEGISLATURE
SECOND SPECIAL SESSION**

SENATE AMENDMENT "D" 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:

SENATE AMENDMENT

10/13

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
30 for the recording and preservation of interviews of suspects in
serious crimes under subsection 1, paragraph J must be
established no later than January 1, 2005. The minimum standards
32 for policies for the recording and preservation of interviews of
suspects in serious crimes under subsection 1, paragraph J must
34 designate that such interviews be electronically recorded. For
purposes of this subsection, "electronic recording" includes
36 videotape, audiotape, motion picture and digital recording.

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

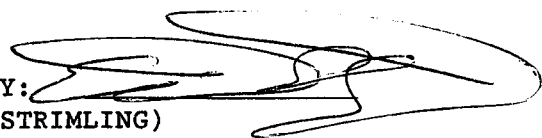
H. 675

SENATE AMENDMENT "D" to COMMITTEE AMENDMENT "A" to S.P. 286,
L.D. 891

2 crimes under subsection 1, paragraph J must be made to the board
3 no later than June 1, 2005. This The certification must be
4 accompanied by copies of the agency policies. The chief
5 administrative officer of each agency shall certify to the board
6 no later than June 1, 1996 that the agency has provided
7 orientation and training for its members with respect to the
8 policies, except that certification for orientation and training
9 with respect to expanded policies for domestic violence under
10 subsection 1, paragraph D must be made to the board no later than
11 January 1, 2004 and; certification for orientation and training
12 with respect to policies regarding death investigations must be
13 made to the board no later than January 1, 2005; and
14 certification for orientation and training with respect to
15 policies regarding the recording and preservation of interviews
16 of suspects in serious crimes under subsection 1, paragraph J
17 must be made to the board no later than January 1, 2005.'

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20 **SUMMARY**

21 This amendment incorporates the provisions of House
22 Amendment "A" to Committee Amendment "A" and provides that the
23 minimum standards for policies for the recording and preservation
24 of interviews of suspects in serious crimes under the Maine
25 Revised Statutes, Title 25, section 2803-B, subsection 1,
26 paragraph J must designate that such interviews be electronically
27 recorded. This amendment also adds a mandate preamble.

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31 SPONSORED BY: 
32 (Senator STRIMLING)

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34 COUNTY: Cumberland

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FISCAL NOTE REQUIRED
(See attached)

SENATE AMENDMENT

121st Maine Legislature
Office of Fiscal and Program Review



LD 891

An Act to Require the Videotaping of Police Interrogations

LR 0575(10)

Fiscal Note for Senate Amendment 'D' to Committee Amendment 'A'

Sponsor: Sen. Strimling

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 regarding the interrogation of certain suspects and requiring the use of electronic recordings are state mandates. 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

Significant

Fiscal Detail and Notes

This amendment removes the \$1,000 appropriation that was in the committee amendment, resulting in General Fund savings. It also removes the requirement that the Bureau of General Services provide surplus electronic equipment at reduced cost to local law enforcement agencies. A requirement for written policies is added to the requirement for electronic recording of certain interrogations. The Mandate Preamble has been added.