

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2005

Legislative Document

No. 1659

H.P. 1170

House of Representatives, May 5, 2005

An Act To Amend the Laws Governing Crimes against People Who Are Homeless

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative DUDLEY of Portland.
Cosponsored by Senator BRENNAN of Cumberland and
Representatives: ADAMS of Portland, CRAVEN of Lewiston, DUNN of Bangor,
FAIRCLOTH of Bangor, Senators: President EDMONDS of Cumberland, GAGNON of
Kennebec, PERRY of Penobscot, ROTUNDO of Androscoggin.

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

4 **Whereas,** the 121st Legislature directed the Attorney General
6 to study the nature and types of discrimination against people
who are homeless in Maine; and

8 **Whereas,** the study indicated that people who are homeless
10 are frequently the victims of crimes, that they are unlikely to
report those crimes and that they believe that their reports will
12 not be taken seriously by law enforcement agencies; and

14 **Whereas,** when cases involving victims and witnesses who are
homeless are reported to law enforcement agencies, those cases
16 pose unique challenges; and

18 **Whereas,** the nonreporting of crimes is a key barrier to
protecting people who are homeless and punishing people who
20 commit crimes against them; and

22 **Whereas,** this legislation proposes several steps that will
help law enforcement agencies and advocates and service agencies
24 that work with people who are homeless to reduce the barriers to
reporting crimes against people who are homeless; and

26 **Whereas,** the Legislature strongly supports the goals of
28 protecting people who are homeless and punishing those who commit
crimes against them; and

30 **Whereas,** in the judgment of the Legislature, these facts
32 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
34 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

38 **Sec. 1. 17-A MRSA §1151, sub-§8, ¶B,** as enacted by PL 1995, c.
40 149, §1, is amended to read:

42 B. The selection by the defendant of the person against
whom the crime was committed or of the property that was
44 damaged or otherwise affected by the crime because of the
race, color, religion, sex, ancestry, national origin,
46 physical or mental disability ~~or~~ sexual orientation or
homelessness of that person or of the owner or occupant of
48 that property.

50 **Sec. 2. 25 MRSA §2804-C, sub-§2-B** is enacted to read:

2 **2-B. Training regarding people who are homeless.** The board
3 shall include in the basic law enforcement training program
4 related to dealing with vulnerable persons additional training
5 aimed specifically at reducing barriers to reporting crimes
6 against people who are homeless and dealing with the unique
7 challenges posed by cases that involve victims or witnesses who
8 are homeless.

10 **Sec. 3. 25 MRSA §2804-E, sub-§2,** as amended by PL 1993, c.
11 744, §7, is further amended to read:

12 **2. Role of board.** The board shall establish in-service
13 recertification training requirements, consistent with subsection
14 1, coordinate delivery of in-service training with postsecondary
15 schools and other institutions and law enforcement agencies and
16 administer in-service training programs. The in-service
17 recertification training requirements must include information on
18 new laws and court decisions and on new enforcement practices
19 demonstrated to reduce crime or increase officer safety and must
20 include a segment aimed specifically at reducing barriers to
21 reporting crimes against people who are homeless and dealing with
22 the unique challenges posed by cases that involve victims or
23 witnesses who are homeless. The board shall consider and
24 encourage the use of telecommunications technology in the
25 development and delivery of in-service training programs. In
26 establishing the recertification training requirements, the board
27 shall cooperate with the state and local departments and agencies
28 to which the in-service requirements apply to ensure that the
29 standards are appropriate. In-service training may not be
30 applied to satisfy in-service recertification training
31 requirements unless it is approved by the board.

34 **Sec. 4. Relationship between law enforcement agencies and homeless;**
35 **designation of liaison.** The Commissioner of Public Safety and the
36 Attorney General shall review the relationship between law
37 enforcement agencies and people who are homeless and shall
38 explore methods of encouraging law enforcement agencies in
39 communities with significant homeless populations or that have
40 homeless shelters within their areas of jurisdiction to take
41 concrete and meaningful steps to improve relations with people
42 who are homeless and their advocates. As part of their review,
43 the commissioner and the Attorney General shall consider ways to:

44 1. Facilitate the designation by each law enforcement
45 agency of at least one officer to serve as a liaison between the
46 law enforcement agency and the homeless community served by that
47 agency; and
48

