

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2005

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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)

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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

