

MAINE STATE LEGISLATURE

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ROS

L.D. 769

Date:

5/4/07

(Filing No. H-196)

Minority

CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE

HOUSE OF REPRESENTATIVES

123RD LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 587, L.D. 769, Bill, "An Act To Establish the Missing Senior Citizen Alert Program"

Amend the bill by striking out the title and substituting the following:

'An Act To Establish the Missing Senior or Disabled Citizen Alert Program'

Amend the bill by striking out everything after the title and before the summary and inserting 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.

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

Sec. 1. 25 MRSA c. 259 is enacted to read:

CHAPTER 259

MISSING SENIOR OR DISABLED CITIZEN ALERT PROGRAM

§2201. Short title

This chapter may be known and cited as "the Missing Senior or Disabled Citizen Alert Program."

§2202. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1 1. Clearinghouse. "Clearinghouse" means the Missing Senior or Disabled Citizen
2 Clearinghouse as established under section 2204.

3 2. Commissioner. "Commissioner" means the Commissioner of Public Safety.

4 3. Department. "Department" means the Department of Public Safety.

5 4. Disabled. "Disabled" means having a physical or mental impairment that
6 substantially limits one or more major life activities.

7 5. Health care provider. "Health care provider" means an individual licensed,
8 certified or otherwise authorized or permitted by law to provide health care in the
9 ordinary course of business or practice of a profession.

10 6. Missing senior or disabled citizen. "Missing senior or disabled citizen" means a
11 person who is 60 years of age or older and who has an impaired mental condition or a
12 person who is disabled and has an impaired mental condition and:

13 A. Whose temporary or permanent residence is in or is believed to be in this State;

14 B. Whose location is not determined; and

15 C. Whose disappearance poses a credible threat to the safety and health of the person
16 as determined by a local law enforcement agency.

17 **§2203. Missing senior or disabled citizen report**

18 1. Report. A family member, legal guardian, agent under a health care power of
19 attorney or health care provider of a missing senior or disabled citizen may submit a good
20 faith report that includes information about the missing person's impaired mental
21 condition to a local law enforcement agency.

22 2. Filing of report. On the filing of a report under subsection 1 by a missing senior
23 or disabled citizen's family member, legal guardian, agent under a health care power of
24 attorney or health care provider, the law enforcement agency receiving written
25 notification shall, using standard operating procedures, immediately:

26 A. Notify the department;

27 B. Inform all on-duty law enforcement officers in the county where the senior or
28 disabled citizen was reported missing of the missing person;

29 C. Communicate the report to every other law enforcement agency having
30 jurisdiction in the county in which the report was filed;

31 D. Enter the report under subsection 1 for inclusion in the computer files on missing
32 senior or disabled citizens of the department and the National Crime Information
33 Center or its successor; and

34 E. Submit information in the missing persons report to the clearinghouse.

35 3. Alert. When the local law enforcement agency has verified that a senior or
36 disabled citizen is missing, the agency shall issue an alert.

37 A. The alert must be sent to designated media outlets in the State, participating radio
38 stations and television stations, who may issue the alert at designated intervals.

1 B. The alert must include all appropriate information from the local law enforcement
2 agency that may assist in the safe recovery of a missing senior or disabled citizen.
3 The alert must include a statement instructing anyone with information related to the
4 missing senior or disabled citizen to contact that person's local law enforcement
5 agency.

6 C. The alert is cancelled when the local law enforcement agency has found the
7 missing senior or disabled citizen or the department has been notified that the missing
8 senior or disabled citizen has been found.

9 D. A law enforcement agency that locates a missing senior or disabled citizen who is
10 the subject of an alert shall notify the local law enforcement agency and the
11 department as soon as possible that the missing senior or disabled citizen has been
12 found.

13 **§2204. Missing Senior or Disabled Citizen Clearinghouse**

14 **1. Establishment; purpose.** The Missing Senior or Disabled Citizen Clearinghouse
15 is established within the department as a central repository of information regarding
16 missing senior or disabled citizens. The clearinghouse must:

17 A. Facilitate the use of standard processes for intrastate communication of
18 information for the purpose of disseminating information related to missing senior or
19 disabled citizens who are determined missing by their families, legal guardians,
20 agents under a health care power of attorney, health care providers or a law
21 enforcement agency;

22 B. Provide a centralized file for the exchange of information on missing senior or
23 disabled citizens in the State;

24 C. Interface with the National Crime Information Center, or its successor, for the
25 exchange of information; and

26 D. Collect, process, maintain and disseminate information on missing senior or
27 disabled citizens and strive to maintain or disseminate accurate and complete
28 information.

29 **2. Receipt of reports.** A law enforcement agency shall submit to the clearinghouse
30 information received by the law enforcement agency pursuant to section 2203. A family
31 member, legal guardian, agent under a health care power of attorney or health care
32 provider may submit a missing senior or disabled citizen report to the clearinghouse
33 regardless of the circumstances, subsequent to reporting the senior or disabled citizen
34 missing to the appropriate law enforcement agency in the county in which the senior or
35 disabled citizen became missing. The report must be included in the clearinghouse
36 database.

37 **§2205. Location of senior or disabled citizen**

38 **1. Notification.** The family member, legal guardian, agent under a health care
39 power of attorney or health care provider who is responsible for notifying the
40 clearinghouse or a law enforcement agency about a missing senior or disabled citizen
41 shall immediately notify the clearinghouse or the agency of a senior or disabled citizen
42 whose location has been determined.

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COMMITTEE AMENDMENT "A" to H.P. 587, L.D. 769

1 **2. Purging.** Information received about a missing senior or disabled citizen pursuant
2 to section 2203 that has been included in the clearinghouse database must be purged from
3 the database immediately upon notification that the senior or disabled citizen's location
4 has been determined.

5 **§2206. Rules**

6 The commissioner shall adopt rules for the implementation of this chapter. Rules
7 adopted pursuant to this section are routine technical rules as defined in Title 5, chapter
8 375, subchapter 2-A.'

9 **SUMMARY**

10 This amendment is the minority report of the Joint Standing Committee on Criminal
11 Justice and Public Safety and replaces the bill. The amendment expands the missing
12 senior citizens alert program created in the bill to include persons with disabilities who
13 have impaired mental conditions. The amendment maintains all the features of the
14 program as created in the bill, except that the clearinghouse director position is eliminated
15 and the list of persons who may submit a missing persons report under the program is
16 expanded to include the missing person's agent under a health care power of attorney and
17 the person's health care provider.

18 The amendment also adds a mandate preamble.

19 **FISCAL NOTE REQUIRED**

20 (See attached)



Approved: 05/02/07 *MAC*

123rd MAINE LEGISLATURE

LD 769

LR 101(02)

An Act To Establish the Missing Senior Citizen Alert Program

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

State Mandate - Unfunded

State Mandates

Required Activity

Requiring local law enforcement agencies to make certain notifications pertaining to missing senior or disabled citizens represents an unfunded state mandate pursuant to the Maine Constitution; the cost to local law enforcement agencies is expected to be relatively insignificant.

Unit Affected

Municipality
County

Costs

Insignificant