

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

SECOND REGULAR SESSION-2010

Legislative Document

No. 1610

H.P. 1138

House of Representatives, December 23, 2009

An Act To Establish the Silver Alert Program

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 21, 2009. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative ROTUNDO of Lewiston.
Cosponsored by Senator CRAVEN of Androscoggin and
Representatives: CAMPBELL of Newfield, CAREY of Lewiston, LAJOIE of Lewiston,
MILLER of Somerville, Senators: DAVIS of Cumberland, GOODALL of Sagadahoc,
SIMPSON of Androscoggin.

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

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

3 **CHAPTER 259**

4 **SILVER ALERT PROGRAM**

5 **§2201. Definitions**

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

8 **1. Commissioner.** "Commissioner" means the Commissioner of Public Safety.

9 **2. Department.** "Department" means the Department of Public Safety.

10 **3. Missing adult.** "Missing adult" means a person:

11 A. Who is developmentally impaired or who suffers from dementia or some other
12 cognitive impairment;

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

14 C. Whose whereabouts is unknown; and

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

17 **4. Media.** "Media" means print, radio, television, Internet-based communication
18 systems or other methods of communicating information to the public.

19 **5. Silver Alert.** "Silver Alert" or "alert" means a notice provided under this chapter
20 to the public through law enforcement and the media.

21 **6. Silver Alert Program.** "Silver Alert Program" means the statewide alert program
22 for missing adults developed and implemented under this chapter.

23 **§2202. Silver Alert Program**

24 In accordance with this chapter and with the cooperation of the Department of
25 Transportation, the Maine Turnpike Authority, the Maine Association of Broadcasters or
26 successor organization, the Office of the Governor and appropriate law enforcement
27 agencies, the department shall develop and implement the Silver Alert Program to be
28 activated on behalf of missing adults. The program must include a plan for providing
29 relevant information to the public through an existing system of dynamic message signs
30 located across the State. The Silver Alert Program must be developed and implemented
31 using existing resources.

1 **§2203. Notification to department of missing adult**

2 **1. Report.** In order to activate an alert under the Silver Alert Program, a family
3 member or legal guardian of a missing adult must submit a missing adult report to the
4 local law enforcement agency.

5 **2. Filing of report.** Upon receipt of the report under subsection 1, the local law
6 enforcement agency shall immediately:

7 A. Notify the department;

8 B. Inform all on-duty law enforcement officers in the county in which the missing
9 adult was reported missing of the report;

10 C. Communicate the report to every other law enforcement agency having
11 jurisdiction in the county in which the report was filed; and

12 D. Enter the report for inclusion in the computer files on missing adults of the
13 department and the United States Department of Justice, Federal Bureau of
14 Investigation, National Crime Information Center.

15 **3. Activation of alert.** When the department has verified that a missing adult is
16 missing, the department shall issue an alert under this chapter and in accordance with
17 department rules.

18 A. The alert must be sent to designated media outlets in the State, including
19 participating radio stations and television stations, who shall issue the alert at
20 intervals as determined by department rule.

21 B. The alert must also be sent to the Department of Transportation and the Maine
22 Turnpike Authority.

23 C. The alert must include all appropriate information from the local law enforcement
24 agency that may assist in the safe recovery of a missing adult. The alert must include
25 a statement instructing anyone with information related to the missing adult to
26 contact a local law enforcement agency.

27 D. A law enforcement agency that locates a missing adult who is the subject of an
28 alert shall notify the local law enforcement agency and the department as soon as
29 possible that the missing adult has been found.

30 **§2204. Termination of Silver Alert**

31 **1. Termination.** The department shall terminate a Silver Alert not later than the
32 earlier of the date on which:

33 A. The missing adult is located or the situation is otherwise resolved; or

34 B. The notification period ends, as determined by department rule.

35 **2. Location.** A local law enforcement agency that locates a missing adult who is the
36 subject of an alert shall notify the department as soon as possible that the missing adult
37 has been located.

1 **§2205. Rules**

2 The commissioner shall adopt rules for the implementation of this chapter. Rules
3 adopted pursuant to this section are routine technical rules as defined in Title 5, chapter
4 375, subchapter 2-A.

5 **Sec. 2. 25 MRSA §2803-B, sub-§1, ¶K,** as amended by PL 2009, c. 451, §2, is
6 further amended to read:

7 K. Digital, electronic, audio, video or other recording of law enforcement interviews
8 of suspects in serious crimes and the preservation of investigative notes and records
9 in such cases; and

10 **Sec. 3. 25 MRSA §2803-B, sub-§1, ¶L,** as enacted by PL 2009, c. 451, §3, is
11 amended to read:

12 L. Mental illness and the process for involuntary commitment; and

13 **Sec. 4. 25 MRSA §2803-B, sub-§1, ¶M** is enacted to read:

14 M. Missing adults as defined in section 2201, subsection 3.

15 **Sec. 5. 25 MRSA §2803-B, sub-§2,** as amended by PL 2009, c. 336, §18 and c.
16 451, §4, is repealed and the following enacted in its place:

17 **2. Minimum policy standards.** The board shall establish minimum standards for
18 each law enforcement policy no later than June 1, 1995, except that policies for expanded
19 requirements for domestic violence under subsection 1, paragraph D, subparagraphs (1)
20 to (3) must be established no later than January 1, 2003; policies for death investigations
21 under subsection 1, paragraph I must be established no later than January 1, 2004;
22 policies for public notification regarding persons in the community required to register
23 under Title 34-A, chapter 15 under subsection 1, paragraph J must be established no later
24 than January 1, 2006; policies for the recording and preservation of interviews of suspects
25 in serious crimes under subsection 1, paragraph K must be established no later than
26 January 1, 2005; policies for the expanded use of physical force, including the use of
27 electronic weapons and less-than-lethal munitions, under subsection 1, paragraph A must
28 be established no later than January 1, 2010; policies for mental illness and the process
29 for involuntary commitment under subsection 1, paragraph L must be established no later
30 than January 1, 2010; and policies for missing adults under subsection 1, paragraph M
31 must be established no later than January 1, 2011.

32 **Sec. 6. 25 MRSA §2803-B, sub-§3,** as amended by PL 2009, c. 336, §18 and c.
33 451, §5, is repealed and the following enacted in its place:

34 **3. Agency compliance.** The chief administrative officer of each law enforcement
35 agency shall certify to the board no later than January 1, 1996 that the agency has adopted
36 written policies consistent with the minimum standards established by the board pursuant
37 to subsection 2, except that certification to the board for expanded policies for domestic
38 violence under subsection 1, paragraph D, subparagraphs (1) to (3) must be made to the
39 board no later than June 1, 2003; certification to the board for adoption of a death

1 investigation policy under subsection 1, paragraph I must be made to the board no later
2 than June 1, 2004; certification to the board for adoption of a public notification policy
3 under subsection 1, paragraph J must be made to the board no later than June 1, 2006;
4 certification to the board for adoption of a policy for the recording and preservation of
5 interviews of suspects in serious crimes under subsection 1, paragraph K must be made to
6 the board no later than June 1, 2005; certification to the board for adoption of an
7 expanded use of physical force policy under subsection 1, paragraph A must be made to
8 the board no later than June 1, 2010; certification to the board for adoption of a policy
9 regarding mental illness and the process for involuntary commitment under subsection 1,
10 paragraph L must be made to the board no later than June 1, 2010; and certification to the
11 board for adoption of a policy for missing adults under subsection 1, paragraph M must
12 be made to the board no later than June 1, 2011. The certification must be accompanied
13 by copies of the agency policies. The chief administrative officer of each agency shall
14 certify to the board no later than June 1, 1996 that the agency has provided orientation
15 and training for its members with respect to the policies, except that certification for
16 orientation and training with respect to expanded policies for domestic violence under
17 subsection 1, paragraph D, subparagraphs (1) and (3) must be made to the board no later
18 than January 1, 2004; certification for orientation and training with respect to policies
19 regarding death investigations under subsection 1, paragraph I must be made to the board
20 no later than January 1, 2005; certification for orientation and training with respect to
21 policies regarding public notification under subsection 1, paragraph J must be made to the
22 board no later than January 1, 2007; certification for orientation and training with respect
23 to policies regarding the recording and preservation of interviews of suspects in serious
24 crimes under subsection 1, paragraph K must be made to the board no later than January
25 1, 2006; certification for orientation and training with respect to policies regarding
26 expanded use of physical force under subsection 1, paragraph A must be made to the
27 board no later than January 1, 2011; certification for orientation and training with respect
28 to policies regarding mental illness and the process for involuntary commitment under
29 subsection 1, paragraph L must be made to the board no later than January 1, 2011; and
30 certification for orientation and training with respect to policies regarding missing adults
31 under subsection 1, paragraph M must be made to the board no later than January 1,
32 2012.

33 SUMMARY

34 This bill establishes the Silver Alert Program. The Silver Alert Program is a
35 statewide alert program for missing adults with disabilities.

36 This bill requires all law enforcement agencies to adopt written policies regarding
37 missing adults with disabilities and requires the Board of Trustees of the Maine Criminal
38 Justice Academy to establish mandatory minimum standards for such policies by no later
39 than January 1, 2011. It further requires all law enforcement agencies to certify to the
40 Board of Trustees of the Maine Criminal Justice Academy by no later than June 1, 2011
41 that their policies are consistent with the minimum standards established by the board and
42 to certify to the Board of Trustees of the Maine Criminal Justice Academy by no later
43 than January 1, 2012 that all law enforcement officers have received orientation and
44 training with respect to the policies.