

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 1045

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H.P. 736

House of Representatives, March 14, 2013

### An Act To Establish the Forensic Advisory Committee

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative KORNFIELD of Bangor.  
Cosponsored by Representatives: COOPER of Yarmouth, DILL of Old Town, GOODE of Bangor, MORRISON of South Portland, PRIEST of Brunswick, PRINGLE of Windham, SCHNECK of Bangor, VILLA of Harrison.

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

2 **Sec. 1. 5 MRSA §12004-I, sub-§74-H** is enacted to read:

3 **74-H.**

4 Public Safety      Forensic Advisory      Not Authorized      22 MRSA §3036  
5 Committee

6 **Sec. 2. 22 MRSA §3036** is enacted to read:

7 **§3036. Forensic Advisory Committee**

8 **1. Appointment; composition; term; compensation.** The Forensic Advisory  
9 Committee, established under Title 5, section 12004-I, subsection 74-H and referred to in  
10 this section as "the committee," consists of 5 members. The Chief Justice of the Supreme  
11 Judicial Court shall appoint as chair a justice that sits on the Superior Court. The chair  
12 shall appoint the other committee members, including:

13 A. A prosecutor with expertise in forensic science from the Office of the Attorney  
14 General or a prosecutorial district under Title 30-A, section 254;

15 B. A criminal defense attorney with expertise in forensic science;

16 C. A physician who specializes in clinical laboratory medicine, to be chosen from a  
17 list of nominees provided by the Commissioner of Health and Human Services; and

18 D. An academic research scientist with a doctorate in biological sciences, to be  
19 chosen from a list of nominees provided by the Chancellor of the University of Maine  
20 System.

21 Members are appointed for a term of 4 years. A vacancy must be filled in the same  
22 manner as the position was originally filled for the unexpired portion of the term. A  
23 member may be reappointed for additional terms. Appointed members serve until their  
24 successors are appointed. Members serve without compensation.

25 **2. Meetings; reports.** The committee shall meet at least 4 times a year and convene  
26 special meetings at the call of the chair, a majority of the members of the committee or  
27 the Attorney General. By January 1st of each year, the committee shall make a report to  
28 the Attorney General and to the joint standing committee of the Legislature having  
29 jurisdiction over criminal justice and public safety matters that includes any  
30 recommendations and an account of all actions performed over the previous year to carry  
31 out the duties under subsection 4.

32 **3. Staff.** The Attorney General shall appoint an attorney from the Office of the  
33 Attorney General to serve as executive director of the committee. The Office of the  
34 Attorney General shall provide staff for administrative and investigative assistance to the  
35 committee.

36 **4. Duties.** The committee shall:

1 A. Review operations at the Office of the Chief Medical Examiner, the Maine State  
2 Police Crime Laboratory and the forensic chemistry section of the Health and  
3 Environmental Testing Laboratory and make recommendations to the Attorney  
4 General, Commissioner of Public Safety and Commissioner of Health and Human  
5 Services for each laboratory concerning:

6 (1) The quality and timeliness of service provided to state agencies and other  
7 users;

8 (2) Accreditation of the laboratory and qualification standards for a scientist  
9 working in the laboratory;

10 (3) Blind proficiency testing for a scientist working in the laboratory; and

11 (4) Internal oversight of the laboratory;

12 B. Review the operation of a laboratory under paragraph A when there has been an  
13 allegation of:

14 (1) Serious negligence or misconduct; or

15 (2) Misidentification of evidence or another testing error made during the  
16 examination of evidence;

17 C. Upon request of the Governor, Attorney General, Commissioner of Public Safety  
18 or Commissioner of Health and Human Services, review the analytical work, reports  
19 or conclusions of personnel of a laboratory under paragraph A; and

20 D. Review and make recommendations to the Attorney General, Commissioner of  
21 Public Safety or Commissioner of Health and Human Services concerning:

22 (1) Resources to enhance the mission of a laboratory under paragraph A;

23 (2) New scientific programs of, protocols for, instrumentation for or methods of  
24 forensic testing; or

25 (3) Relevant informational material for laboratory personnel, attorneys or judges.

26 **5. Recommendations by Attorney General.** The Attorney General shall review the  
27 annual report under subsection 2 and provide recommendations and suggested legislation  
28 to the joint standing committee of the Legislature having jurisdiction over criminal justice  
29 and public safety matters based on the report. The joint standing committee of the  
30 Legislature having jurisdiction over criminal justice and public safety matters may report  
31 out a bill based upon the recommendations and suggested legislation.

32 **Sec. 3. Forensic Advisory Committee initial terms.** Notwithstanding the  
33 Maine Revised Statutes, Title 22, section 3036, subsection 1, of the initial members of the  
34 Forensic Advisory Committee, 2 members serve for 2 years, 2 members serve for 3 years  
35 and the chair serves for 4 years.

36 **SUMMARY**

37 This bill creates the Forensic Advisory Committee, which reports to the Attorney  
38 General, to review and make recommendations about the operations of the Office of the

1 Chief Medical Examiner, the Maine State Police Crime Laboratory and the forensic  
2 chemistry section of the Health and Environmental Testing Laboratory. The committee is  
3 also required to review the conduct of personnel, errors in testing and new programs of,  
4 protocols for and methods of forensic testing.