

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

CAC
ROS

Date: 6/16/21

(Filing No. H-705)

Majority
JUDICIARY

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 88, L.D. 132, "An Act To Implement the Attorney General's Recommendations on Data Collection in Order To Eliminate Profiling in Maine"

Amend the bill in section 1 in c. 337-D in §4752 in subsection 1 in the 2nd line (page 1, line 22 in L.D.) by striking out the following: "violations" and inserting the following: 'infractions'

Amend the bill in section 1 in c. 337-D in §4752 in subsection 1 in paragraph A in the first line (page 1, line 24 in L.D.) by striking out the following: "violations" and inserting the following: 'infractions'

Amend the bill in section 1 in c. 337-D in §4752 in subsection 1 in paragraph C in the first line (page 1, line 29 in L.D.) by striking out the following: "violation" and inserting the following: 'infraction'

Amend the bill in section 1 in c. 337-D in §4752 in subsection 1 in paragraph D in the last line (page 1, line 31 in L.D.) by striking out the following: "violation" and inserting the following: 'infraction'

Amend the bill in section 1 in c. 337-D in §4752 in subsection 1 in paragraph E in the 3rd line (page 1, line 34 in L.D.) by striking out the following: "violation" and inserting the following: 'infraction'

Amend the bill in section 1 in c. 337-D in §4753 in subsection 1 in the 3rd line (page 2, line 4 in L.D.) by striking out the following: "violations" and inserting the following: 'infractions'

Amend the bill in section 1 in c. 337-D by striking out all of §4754 and inserting the following:

§4754. Report; publication of data

Beginning January 15, 2024 and annually thereafter, the Attorney General shall provide to the joint standing committees of the Legislature having jurisdiction over judiciary matters and criminal justice and public safety matters and make available to the

COMMITTEE AMENDMENT

ROS

COMMITTEE AMENDMENT "A" to H.P. 88, L.D. 132

1 public a report of the information collected pursuant to this chapter. The report must
2 include an analysis of the information and may include recommendations for changes in
3 laws, rules and practices. Information reported may not include personally identifiable
4 information.'

5 Amend the bill by inserting after section 1 the following:

6 **'Sec. 2. Appropriations and allocations.** The following appropriations and
7 allocations are made.

8 **ATTORNEY GENERAL, DEPARTMENT OF THE**

9 **Administration - Attorney General 0310**

10 Initiative: Provides funding for one Planning and Research Associate I position to analyze,
11 make recommendations and report on information collected from law enforcement.

12	GENERAL FUND	2021-22	2022-23
13	POSITIONS - LEGISLATIVE COUNT	1,000	1,000
14	Personal Services	\$81,483	\$84,090
15			
16	GENERAL FUND TOTAL	<u>\$81,483</u>	<u>\$84,090</u>

17
18 **ATTORNEY GENERAL, DEPARTMENT OF THE**
19 **DEPARTMENT TOTALS**

20		2021-22	2022-23
21	GENERAL FUND	\$81,483	\$84,090
22			
23	DEPARTMENT TOTAL - ALL FUNDS	<u>\$81,483</u>	<u>\$84,090</u>

24 **PUBLIC SAFETY, DEPARTMENT OF**

25 **State Police 0291**

26 Initiative: Provides funding for computer programming costs and related maintenance.

27	GENERAL FUND	2021-22	2022-23
28	All Other	\$22,750	\$22,750
29	Capital Expenditures	\$113,750	\$0
30			
31	GENERAL FUND TOTAL	<u>\$136,500</u>	<u>\$22,750</u>

32
33 **HIGHWAY FUND**

34	All Other	\$19,006	\$14,696
35	Capital Expenditures	\$61,250	\$0
36			
37	HIGHWAY FUND TOTAL	<u>\$80,256</u>	<u>\$14,696</u>

38 **State Police 0291**

39 Initiative: Provides funding for one Planning and Research Associate II position to collect
40 and report data.

41	GENERAL FUND	2021-22	2022-23
----	---------------------	----------------	----------------

COMMITTEE AMENDMENT

ROS

COMMITTEE AMENDMENT "A" to H.P. 88, L.D. 132

1	POSITIONS - LEGISLATIVE COUNT	1.000	1.000
2	Personal Services	\$43,875	\$58,500
3			
4	GENERAL FUND TOTAL	<u>\$43,875</u>	<u>\$58,500</u>
5			
6	HIGHWAY FUND	2021-22	2022-23
7	Personal Services	\$23,625	\$31,500
8			
9	HIGHWAY FUND TOTAL	<u>\$23,625</u>	<u>\$31,500</u>
10			
11	PUBLIC SAFETY, DEPARTMENT OF		
12	DEPARTMENT TOTALS	2021-22	2022-23
13			
14	GENERAL FUND	\$180,375	\$81,250
15	HIGHWAY FUND	\$103,881	\$46,196
16			
17	DEPARTMENT TOTAL - ALL FUNDS	<u>\$284,256</u>	<u>\$127,446</u>
18			
19	SECTION TOTALS	2021-22	2022-23
20			
21	GENERAL FUND	\$261,858	\$165,340
22	HIGHWAY FUND	\$103,881	\$46,196
23			
24	SECTION TOTAL - ALL FUNDS	<u>\$365,739</u>	<u>\$211,536</u>

25

26 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section

27 number to read consecutively.

SUMMARY

28

29 This amendment is the majority report of the committee.

30 The bill requires the collection of data regarding traffic violation stops and for each

31 law enforcement agency to collect the information and submit it to the Attorney General.

32 The information collected and submitted to the Attorney General may not include

33 personally identifiable information about any person who was stopped. The Attorney

34 General is directed to compile and analyze all the information submitted by law

35 enforcement agencies and provide a report of the analysis and any recommendations. The

36 Attorney General's report may not include any personally identifiable information.

37 This amendment strikes from the bill the provision that creates a public records

38 exception for personally identifiable information of a law enforcement officer or any other

39 person involved in any activity for which data is collected. Because the Attorney General

40 will not have and therefore cannot report any personally identifiable information about

41 those who have been stopped, there is no need for statutory language to protect that

42 information from public disclosure. If there is information reported about law enforcement

COMMITTEE AMENDMENT

ROS

COMMITTEE AMENDMENT "A" to H.P. 88, L.D. 132

1 officers who have violated the law and the policies prohibiting profiling, although the
2 information is not included in the Attorney General's report, it is not completely sealed
3 from public disclosure.

4 This amendment corrects the terminology from "traffic violation" to "traffic
5 infraction."

6 The amendment adds an appropriations and allocations section.

7 **FISCAL NOTE REQUIRED**

8 (See attached)

COMMITTEE AMENDMENT



130th MAINE LEGISLATURE

LD 132

LR 151(02)

An Act To Implement the Attorney General's Recommendations on Data Collection in Order To Eliminate Profiling in Maine

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-705)

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Net Cost (Savings)				
General Fund	\$261,858	\$165,340	\$168,031	\$170,808
Highway Fund	\$103,881	\$46,196	\$46,196	\$46,196
Appropriations/Allocations				
General Fund	\$261,858	\$165,340	\$168,031	\$170,808
Highway Fund	\$103,881	\$46,196	\$46,196	\$46,196

Fiscal Detail and Notes

The bill includes General Fund appropriations of \$180,375 in fiscal year 2021-22 and \$81,250 in fiscal year 2022-23 to the Department of Public Safety for one Planning and Research Associate II position to collect and report data and related computer programming. It also includes a Highway Fund allocation of \$103,881 in 2021-22 and \$46,196 in fiscal year 2022-23.

Additionally, the bill includes General Fund appropriations of \$81,483 in fiscal year 2021-22 and \$84,090 in fiscal year 2022-23 for one Planning and Research Associate I position to analyze, make recommendations and report on information collected from law enforcement. Any additional costs to the OAG to adopt rules can be absorbed within existing budgeted resources.