MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1613

H.P. 1038

House of Representatives, April 11, 2023

An Act to Prohibit Profiling and to Strengthen Civil Rights in Maine

Reference to the Committee on Judiciary suggested and ordered printed.

ROBERT B. HUNT

Clerk

Presented by Speaker TALBOT ROSS of Portland.

PART A
Sec. A-1. 5 MRSA §4684-C is enacted to read:
§4684-C. Civil rights officers
1. Definitions. For the purposes of this section, unless the context otherwise indicates the following terms have the following meanings.
A. "Civil rights officer" means a law enforcement officer who has received special training approved by the Attorney General in identifying and investigating civil rights violations.
B. "Law enforcement agency" means an agency in the State charged with enforcement of state, county, municipal or federal laws or laws of a federally recognized Indian tribe, with the prevention, detection or investigation of criminal, immigration or customs laws or with managing custody of detained persons in the State and includes but is not limited to, a municipal police department, a sheriff's department, the State Police, a university or college police department and the Department of Public Safety
C. "Law enforcement officer" means a state, county or municipal official or an official of a federally recognized Indian tribe responsible for enforcing criminal, immigration or customs laws, including, but not limited to, a law enforcement officer who possesses a valid certificate issued by the Board of Trustees of the Maine Criminal Justice Academy pursuant to Title 25, section 2803-A.
2. Required civil rights officer. A law enforcement agency shall select, assign and secure training for a civil rights officer, notify the Attorney General of the name and contact information for the civil rights officer and notify the Attorney General of any change in assignment of the civil rights officer as soon as practicable after the change is made. The law enforcement agency shall make the contact information for the civil rights officer publicly available.
PART B
Sec. B-1. 5 MRSA c. 337-D, headnote is amended to read:
CHAPTER 337-D
PROFILING AND DATA COLLECTION
Sec. B-2. 5 MRSA §4751, sub-§3 is enacted to read:
3. Profiling. "Profiling" means relying, to any degree, on actual or perceived race gender, ethnicity, religion, socioeconomic status, ancestry, sexual orientation, gender identity, color, physical or mental disability or national origin in targeting an individual for routine or spontaneous investigatory activities or in deciding upon the scope and substance

Sec. B-3. 5 MRSA §4755 is enacted to read:

§4755. Profiling prohibited

In enforcing the laws of this State, a law enforcement officer or law enforcement agency may not engage in profiling.

PART C

- **Sec. C-1. 5 MRSA §4753, sub-§1,** as enacted by PL 2021, c. 460, §1, is amended to read:
- 1. Adoption of rules. By January 1, 2023 2024, the Attorney General shall adopt rules for the recording, retention and reporting of information pursuant to section 4752 pertaining to persons stopped for traffic infractions. The information must include the characteristics of race, color, ethnicity, gender and age of the persons stopped, based on the observation and perception of the law enforcement officer making the stop. Rules adopted pursuant to this subsection are routine technical rules as defined in chapter 375, subchapter 2-A.
- Sec. C-2. 5 MRSA §4754, as enacted by PL 2021, c. 460, §1, is amended to read: §4754. Report; publication of data

Beginning January 15, 2024 2025 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 public a report of the information collected pursuant to this chapter. The report must include an analysis of the information and may include recommendations for changes in laws, rules and practices. Information reported may not include personally identifiable information.

Sec. C-3. Retroactivity. This Part applies retroactively to December 31, 2023.

SUMMARY

In Part A, this bill requires law enforcement agencies to select, assign and train civil rights officers and to keep the Attorney General informed of the identity of the civil rights officer. It requires law enforcement agencies to make contact information for their civil rights officers publicly available. In Part B, the bill prohibits profiling by a law enforcement officer or agency based on race, gender, ethnicity, religion, socioeconomic status, ancestry, sexual orientation, gender identity, color, physical or mental disability or national origin. In Part C, the bill changes from January 1, 2023 to January 1, 2024 the date by which the Attorney General must adopt rules for the recording, retention and reporting of information regarding traffic infractions and from January 15, 2024 to January 15, 2025 the date by which the Attorney General must begin submitting the information to the joint standing committees of the Legislature having jurisdiction over judiciary matters and criminal justice and public safety matters. It also makes the changes in Part C retroactive to December 31, 2023.