

MAINE STATE LEGISLATURE

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E I G H T Y - E I G H T H L E G I S L A T U R E

Legislative Document

No. 694

H. P. 1518

House of Representatives, February 16, 1937.

Referred to Committee on Judiciary. Sent up for concurrence and 1000 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Dow of Kennebunkport.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-SEVEN

AN ACT Creating a Bureau of Criminal Identification, Investigation and Statistics within the Department of State Police.

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

Sec. 1. Bureau created. There is hereby created a bureau of criminal identification, investigation, and statistics in the department of state police hereinafter referred to as the "bureau." The head of the bureau shall be a superintendent who shall be appointed by the chief of the state police and who shall be a person trained and experienced in the field of personal identification and investigation and in the collection of crime statistics. He shall be removable by the chief of the state police only for cause and shall have the right to be provided with a written statement of the charges against him and to a public hearing thereon. The superintendent shall make such regulations and take such measures as are deemed by him to be necessary for the efficient administration of the bureau under the provisions of this act.

Sec. 2. Information to be supplied by peace officers. Every sheriff and every police officer of the state and of any local governmental unit shall transmit to the bureau, so far as available, as provided in section 6 hereof:

(a) The names, fingerprints, photographs, and such other data as the superintendent may from time to time prescribe of all persons arrested for or suspected of:

(1) an indictable offense; or such non-indictable offense as is or may hereafter be, included in the compilations of the division of investigation of the United States department of justice;

(2) Being fugitives from justice;

(3) Being vagrants;

(4) Being habitual users of narcotics, or other habit-forming drugs;

(5) Being in possession of illegal or illegally carried weapons; or in possession of burglars' tools, tools for defacing or altering of the numbers on automobiles, automobile parts, automobile engines, or automobile engine parts; or illegally in possession of tools, supplies, or other articles used in the manufacture or alteration of counterfeit money or bank notes; or illegally in possession of high-powered explosives, infernal machines, bombs, or other contrivances reasonably believed by the arresting person to be intended to be used for unlawful purposes;

(b) A record of the indictable offenses and of such non-indictable offenses as are, or may hereafter be, included in the compilation of the division of investigation of the United States department of justice, and which are committed within the jurisdiction of the reporting officer, including a statement of the facts of the offense and a description of the offender, so far as known, the offender's method of operation, the official action taken, and such other information as the superintendent may require;

(c) The fingerprints, photographs, and other data prescribed by the superintendent concerning unidentified dead persons, and insofar as available, of missing persons;

(d) Copies of such reports as are now required by law to be made or as hereafter may be so required, and as shall be prescribed by the superintendent, to be made by pawnshops, second-hand dealers, and dealers in weapons;

(e) Lists of stolen automobiles and of automobiles recovered, with their engine and serial numbers, description, and other identification data, and lists of such other classes of stolen property as the superintendent shall prescribe.

Sec. 3. Information to be supplied by court officials. Every clerk of a court having original or appellate jurisdiction over indictable offenses, or if there be no clerk, every judge or justice of such court, shall transmit to the bureau, as provided in section 6 hereof, such statistics and information

as the superintendent shall prescribe regarding indictments and information filed in such court and the disposition made of them and every municipal court judge, recorder of a municipal court and trial justice shall transmit to the bureau such information regarding criminal actions in such courts or before such recorders or trial justices as the superintendent may prescribe.

Sec. 4. Information to be supplied by coroners. Every medical examiner shall transmit to the bureau, as provided in section 6 hereof, such statistics and information, as the superintendent shall prescribe, regarding autopsies performed, medical examinations held, and judgments rendered.

Sec. 5. Information to be supplied by heads of institutions and others. Every person in responsible charge of an institution to which there are committed persons convicted of crime or juvenile delinquency or declared to be criminally insane, or to be feeble-minded delinquents, and every probation officer shall transmit to the bureau, as provided in section 6 hereof:

(a) The names, fingerprints, photographs, and other data prescribed by the superintendent, of all persons who within 5 years prior to the effective date of this act, were received in such institutions for the violation of an indictable offense, and of all persons placed on probation for such an offense, so far as such information is available;

(b) The names, fingerprints, photographs, and other data prescribed by the superintendent, concerning all persons who are hereafter received in such institutions for the violation of an indictable offense, or who are hereafter placed on probation for such an offense;

(c) Full reports of all transfers to or from such institutions, paroles granted and revoked, discharges from such institutions or from parole, commutations of sentence, and pardons of all persons described in subsections (a) and (b) of this section.

Sec. 6. Manner of furnishing information. The officers and officials described in sections 2, 3, 4, and 5 hereof shall furnish to the bureau the information and reports specified in sections 2, 3, 4, and 5 hereof at or within such times or periods as the superintendent shall designate, on forms prescribed by the superintendent (and conforming where appropriate to the uniform systems of criminal statistics of the United States Department of Justice and the United States Bureau of the Census), and supplied by the bureau to the said officers, and in such number of copies as the superintendent may require.

Sec. 7. Bureau employees' access to public records. Any employee of the bureau, upon written authorization by the superintendent, is authorized to enter any institution described in section 5 hereof, to take or cause to be taken fingerprints or photographs or to make investigation relative to any person confined therein, for the purpose of obtaining information which will lead to the identification of criminals; and every person who has charge or custody of public records or documents from which it may reasonably be supposed that information described in sections 2, 3, 4, and 5 hereof can be obtained, shall grant access thereto to any employee or the bureau, upon written authorization by the superintendent, or shall produce such records or documents for the inspection and examination of such employee.

Sec. 8. Filing information. The bureau shall file all information and statistics received by it and shall make a complete and systematic record and index thereof, to the end of providing a method of convenient reference and consultation. So far as practicable such records shall coincide in form with those of the division of identification of the United States department of justice, in order to facilitate interchange of records. No identification records of the bureau, except information received under the provisions of section 10 hereof, may be destroyed or surrendered by it until at least 1 year after the person identified is known or reasonably believed to be dead.

Sec. 9. Information voluntarily supplied. The bureau shall accept and file the names, fingerprints, photographs, and other personal identification data submitted voluntarily by individuals or submitted by parents on behalf of their children for the purpose of securing a more certain and easy identification in case of death, injury, loss of memory, or change of appearance. Upon the application of a person identified under the provisions of this section all data received under this section with relation to him shall be surrendered to him.

Sec. 10. Furnishing information on application. Upon application the bureau shall furnish a copy of all information available pertaining to the identification and history of any person or persons of whom the bureau has a record, or any other necessary information:

(1) To any sheriff or chief police officer of the state or of any local government unit, or to any officer of similar rank and description of any other state or of the United States, or of any jurisdiction thereof, or of any foreign country, or

(2) To the superintendent or chief officer of any bureau similar in

nature to this bureau in any other state or in the United States or in any jurisdiction thereof, or in any foreign country, or

(3) To the prosecuting attorney in any court of this state in which such a person is being tried for any offense, or

(4) To the judge in any court of this state in which such a person is so being tried.

Sec. 11. Local assistance. The superintendent may on the request of any sheriff or chief police officer of any local government unit in the State assist such officer

(1) in the establishment of local identification and records systems;

(2) in investigating the circumstances of any crime and in the identification apprehension, and conviction of the perpetrators thereof, and for this purpose may detail such employee or employees of the bureau, for such length of time as the superintendent may deem fit; and

(3) without such request the superintendent shall, at the direction of the governor, detail such employee or employees, for such time as the governor may deem fit, to investigate any crime within this state, for the purpose of identifying, apprehending, and convicting the perpetrator or perpetrators thereof.

Sec. 12. Certified copies. Any copy of a record, picture, photograph, fingerprint, or other paper or document in the files of the bureau certified by the superintendent to be a true copy of the original shall be admissible in evidence in any court of this state in the same manner as the original might be.

Sec. 13. Access to files. Only employees of the bureau and persons specifically authorized by the superintendent shall have access to the files or records of the bureau. No such file or record of information shall be disclosed by any employee of the bureau except to officials as hereinbefore provided and except as may be deemed necessary by the superintendent in the apprehension or trial of persons accused of offenses or in the identification of persons or of property.

Sec. 14. Authority to procure evidence of identity. To the end that the officers and officials described in sections 2, 3, 4, and 5 hereof may be enabled to transmit the reports required of them in the said sections, such officers and officials shall have the authority and duty to take, or cause to be taken, fingerprints, photographs, and other data, of the persons described in the said sections 2, 3, 4, and 5. A like authority shall be had by employees of the bureau who are authorized to enter any insti-

tution under the provisions of section 7 hereof, as to persons confined in such institutions.

Sec. 15. Failure to make required reports. Any person who neglects, or refuses to make any report lawfully required of him under the provisions of this act, or to do or perform any other act so required to be done or performed by him, or who shall hinder or prevent another from doing an act so required to be done by that other, shall be subject to removal from office.

Sec. 16. Wilful misconduct. Any person who shall wilfully give any false information or wilfully withhold information in any report lawfully required of him under the provisions of this act, or who shall remove, destroy, alter, or mutilate any file or record of the bureau, shall be guilty of a misdemeanor, and such person shall, upon conviction thereof, be punished by a fine of not less than \$100 nor more than \$1000, or by imprisonment for not more than 6 months, or by both such fine and imprisonment, in the discretion of the court.

Sec. 17. R. S., c. 143, §§ 18, 19, repealed. Sections 18 and 19 of chapter 143 of the revised statutes are hereby repealed.