

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Twin City Printery  
Lewiston, Maine  
1987

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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## CHAPTER 512

S.P. 587 — L.D. 1739

## AN ACT Concerning the Taking of Fingerprints and Submission to the State Bureau of Identification.

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

Sec. 1. 25 MRS §1541, sub-§4-A is enacted to read:

4-A. Responsibility. The commanding officer shall collect and maintain fingerprints and other criminal history record information pertinent to the identification of individuals who have been arrested as fugitives from justice or who have been arrested or charged with any criminal offense under the laws of this State, except a violation of Title 12 or 29. The commanding officer may collect and maintain fingerprints and other criminal history record information that may be related to other offenses or to the performance of his obligations under state laws and under agreements with agencies of the United States or any other jurisdiction.

Sec. 2. 25 MRS §1542, as amended by PL 1981, c. 493, §101, is repealed.

Sec. 3. 25 MRS §1542-A is enacted to read:

§1542-A. Appointment

1. Duty to take fingerprints. The law enforcement agency designated in subsection 3 shall take the fingerprints of any person:

A. Charged with the commission of a criminal offense other than a crime found in Title 12 or 29;

B. Arrested as a fugitive from justice;

C. Named on a search warrant which directs that such person's fingerprints be taken;

D. Named in a Maine Rules of Criminal Procedure 16A order which directs that such person's fingerprints be taken;

E. Who dies under circumstances of death constituting a medical examiner case under Title 22, section 3025, if sought pursuant to Title 22, section 3025, subsection 3, or at the request of the Chief Medical Examiner or the Attorney General; or

F. Whose fingerprints have been ordered by a court.

2. Palm prints, footprints and photographs. Whenever fingerprints are to be taken pursuant to subsection 1, paragraph A or B, palm prints, footprints and photographs may also be taken. Whenever palm prints, footprints or photographs are ordered to be obtained pur-

suant to subsection 1, paragraph C, D or F, or are sought pursuant to paragraph E, the palm prints, footprints or photographs shall be taken.

3. Duty to take fingerprints. The duty to take fingerprints is imposed as follows.

A. The law enforcement agency having primary responsibility for the criminal investigation and prosecution shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph A. If the offender is subjected to a custodial arrest, fingerprints shall be taken prior to that person being released from custody. If the offender is summoned to appear or, relative to a Class D or Class E crime, released at the scene by a law enforcement officer after taking the personal recognizance of any such person for his appearance, fingerprints shall be taken within 5 days at a time and place specified by the responsible agency. The offender shall appear at the specified time and place and shall submit to the process. To the extent possible, the fingerprinting shall occur prior to arraignment. At the time of arraignment, the court shall inquire as to whether fingerprints have been taken or as to whether arrangements have been made for fingerprinting. If this has not occurred, the court shall instruct both the responsible law enforcement agency and the person charged as to their respective obligations in this regard.

B. The law enforcement agency which arrests a fugitive from justice shall take or cause to be taken the fingerprints of that person.

C. The law enforcement agency having primary responsibility for the criminal investigation and prosecution shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph D.

D. The law enforcement agency or individual identified in the warrant or order shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph C or F.

E. The law enforcement agency of which the request is made shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph E.

4. Duty to submit to State Bureau of Identification. It is the duty of the law enforcement agency taking the fingerprints as required by subsection 3, paragraphs A and B, to transmit forthwith to the State Bureau of Identification the criminal fingerprint record. Fingerprints taken pursuant to subsection 1, paragraph C, D, E or F, or pursuant to subsection 5, shall not be submitted to the State Bureau of Identification unless an express request is made by the commanding officer of the State Bureau of Identification.

5. Right to take fingerprints. A law enforcement officer designated in subsection 7 may take the fingerprints of any person:

A. Charged with the commission of a juvenile offense;

B. Charged with the commission of a criminal offense found in Title 12 or 29;

C. Who is in a state correctional facility or county institution or facility in execution of a sentence for a crime or in execution of an order involving an institutional disposition for a juvenile crime; or

D. Who voluntarily submits to fingerprinting for any law enforcement purpose.

6. Palm prints, footprints and photographs. Whenever fingerprints are taken pursuant to subsection 5, paragraph A, B or C, palm prints, footprints and photographs may also be taken. In addition, palm prints, footprints or photographs may also be taken for any law enforcement purpose when a person voluntarily submits to them.

7. Upon whom the right to take fingerprints is given. Any law enforcement officer may take or cause to be taken the fingerprints of any person named in subsection 5. Any corrections officer or the person in charge of a state correctional facility or county institution or facility may take or cause to be taken the fingerprints of any person named in subsection 5, paragraph C or D.

8. Fingerprint record forms. Fingerprints taken pursuant to subsection 1, paragraphs A, B and D, and subsection 5, paragraphs B, C and D, shall be taken on a form furnished by the State Bureau of Identification, such form to be known as the Criminal Fingerprint Record. Fingerprints taken pursuant to subsection 1, paragraph E, shall be taken on a form furnished by the bureau, such form to be known as the Noncriminal Fingerprint Record. Fingerprints taken pursuant to subsection 5, paragraph A, shall be taken on a form furnished by the State Bureau of Identification, such form to be known as the Juvenile Crime Fingerprint Record. Fingerprints taken pursuant to subsection 1, paragraphs C or F, shall be taken upon the form appropriate for that purpose.

**Sec. 4. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	<u>1987-88</u>	<u>1988-89</u>
<u>PUBLIC SAFETY, DEPARTMENT OF</u>		
State Police		
Personal Services	\$ 9,739	\$28,014
All Other	1,039	2,773
Capital Expenditures	1,192	1,192
Total	<u>\$11,970</u>	<u>\$31,979</u>

Provides remaining funds needed for one Fingerprint Classifier II position in fiscal year 1987-88; 2 Fingerprint Classifier II positions in fiscal year 1988-89; and general operating expenses.

Effective September 29, 1987.

## CHAPTER 513

S.P. 624 — L.D. 1836

### AN ACT to Clarify Certain Errors and Inconsistencies in Marine Resources Law.

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, ambiguities exist in the marine resources laws; and

Whereas, these ambiguities create uncertainty and confusion in interpreting legislative intent; and

Whereas, it is vitally necessary that this uncertainty and confusion be resolved in order to prevent any injustice to the citizens of Maine; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1.** 12 MRSA §4602 is amended to read:

§4602. Entry into force -- article II

This agreement shall become operative immediately as to those states executing it whenever any 2 or more of the States of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia and Florida have executed it in the form that is in accordance with the laws of the executing state and the Congress has given its consent. Any state contiguous with any of the aforementioned states and riparian upon coastal waters frequented by anadromous fish, flowing into coastal waters under the jurisdiction of any of the aforementioned states, may become a party hereto as provided.

**Sec. 2.** 12 MRSA §6131, sub-§2, ¶A, as enacted by PL 1977, c. 661, §5, is amended to read:

A. It shall be unlawful to take alewives from sunrise 6 a.m. each Saturday morning until sunrise 6 a.m. Sunday morning. Municipalities which make other provi-