



130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 132

H.P. 88

House of Representatives, January 21, 2021

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

Received by the Clerk of the House on January 19, 2021. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative TALBOT ROSS of Portland.

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

2 **Sec. 1. 5 MRSA c. 337-D** is enacted to read:

3 **CHAPTER 337-D**

4 **PROFILING DATA COLLECTION**

5 **§4751. Definitions**

6 As used in this chapter, unless the context otherwise indicates, the following terms
7 have the following meanings.

8 **1. Law enforcement agency.** "Law enforcement agency" means an agency in the
9 State charged with enforcement of state, county, municipal or federal laws or laws of a
10 federally recognized Indian tribe, with the prevention, detection or investigation of
11 criminal, immigration or customs laws or with managing custody of detained persons in
12 the State and includes, but is not limited to, a municipal police department, a sheriff's
13 department, the State Police, a university or college police department and the Department
14 of Public Safety.

15 **2. Law enforcement officer.** "Law enforcement officer" means a state, county or
16 municipal official or an official of a federally recognized Indian tribe responsible for
17 enforcing criminal, immigration or customs laws, including, but not limited to, a law
18 enforcement officer who possesses a current and valid certificate issued by the Board of
19 Trustees of the Maine Criminal Justice Academy pursuant to Title 25, section 2803-A.

20 **§4752. Collection of information; reporting of information**

21 **1. Information collected.** Beginning July 1, 2023, a law enforcement agency shall
22 record and retain the following information regarding traffic violations occurring in this
23 State:

24 A. The number of persons stopped for traffic violations;

25 B. Characteristics of race, color, ethnicity, gender and age of each person described in
26 paragraph A. The identification of such characteristics must be based on the
27 observation and perception of the law enforcement officer responsible for reporting the
28 stop. The person stopped may not be required to provide the information;

29 C. The nature of each alleged traffic violation that resulted in a stop;

30 D. Whether a warning or citation was issued, an arrest was made or a search was
31 conducted as a result of each stop for a traffic violation; and

32 E. Any additional information the law enforcement agency determines appropriate.
33 The additional information may not include any other personally identifiable
34 information about a person stopped for a traffic violation such as the person's driver's
35 license number, name or address.

36 **2. Report to Attorney General.** A law enforcement agency shall report the
37 information required to be recorded and retained under subsection 1 to the Attorney
38 General pursuant to rules adopted pursuant to section 4753.

1 organizations and persons with lived experience of being profiled. The Attorney General
2 must ensure that the parties consulted represent the racial and ethnic diversity of the State.

3 The name and personally identifiable information of a law enforcement officer or any
4 other person involved in any activity for which information is collected and compiled under
5 these provisions are confidential.