



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1485

H.P. 1087

House of Representatives, April 4, 2019

An Act To Create an At-risk Persons Program in Maine

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative COSTAIN of Plymouth.
Cosponsored by Senator DESCHAMBAULT of York and
Representatives: BEEBE-CENTER of Rockland, COOPER of Yarmouth, COREY of
Windham, JOHANSEN of Monticello, MORALES of South Portland, PICKETT of Dixfield,
WARREN of Hallowell, Senator: ROSEN of Hancock.

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

2 **Sec. 1. 25 MRSA c. 261** is enacted to read:

3 **CHAPTER 261**

4 **AT-RISK PERSONS PROGRAM**

5 **§2241. Definitions**

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

8 **1. At-risk person.** "At-risk person" means a person:

9 A. Who suffers from a mental or physical condition that may affect the person's
10 ability to communicate with a law enforcement officer or who may benefit from a
11 law enforcement officer's being aware of specific information and a contact person or
12 persons; and

13 B. Who voluntarily participates in the at-risk persons program and provides
14 information and a contact person or persons that may be helpful in maximizing the
15 safety of the at-risk person during an encounter with a law enforcement officer.

16 **2. At-risk persons program.** "At-risk persons program" means the program
17 developed and implemented pursuant to section 2242.

18 **3. At-risk persons system.** "At-risk persons system" means a database and required
19 interfaces to house and communicate voluntarily submitted information specific to an at-
20 risk person. The system must include interfaces with the State's telecommunications and
21 radio message switching system and must be accessible by law enforcement.

22 **4. Department.** "Department" means the Department of Public Safety.

23 **5. Law enforcement officer.** "Law enforcement officer" has the same meaning as in
24 section 3701, subsection 3.

25 **6. Legal guardian.** "Legal guardian" means a guardian appointed pursuant to Title
26 18-C, section 5-301 or 5-701.

27 **§2242. At-risk persons program**

28 **1. At-risk persons program; program elements.** The department shall develop
29 and implement the at-risk persons program using the at-risk persons system to assist law
30 enforcement agencies by creating access to information voluntarily submitted by an at-
31 risk person or the legal guardian of the at-risk person. The information that may be held
32 by the program is limited to information submitted to a law enforcement agency by the
33 at-risk person or that person's legal guardian. The information may include, but is not
34 limited to, the following:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

A. A person or persons who may be contacted to assist with the care and safety of an at-risk person; and

B. Other information that may aid in maximizing the safety of the at-risk person during an encounter with a law enforcement agency.

2. Standards of procedure. The at-risk persons program must include standards of procedure for law enforcement agencies consistent with rules adopted by the department. The standards must address processing the application of an at-risk person or that person's legal guardian, including the determination of identity and confirmation of legal guardianship, entering the information into the State's telecommunications and radio message switching system and properly accessing the information.

3. Rules. The department may adopt routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A to carry out the purposes of this chapter.

SUMMARY

This bill creates the at-risk persons program to provide law enforcement officers with the contact information for a person designated by an at-risk person or that person's legal guardian. The program also provides access to information that may aid in maximizing the safety of the at-risk person during an encounter with a law enforcement officer.