



MAINE CHIEFS OF POLICE ASSOCIATION

P.O. Box 2431 • South Portland, Maine 04116-2431

Chief Edward J. Tolan (ret.), Executive Director, Tel: (207) 838-6583
email: mcopa@maine.rr.com Web site: www.mainechiefs.com

Statement in support of

L.D. 2041, Resolve, to Review Traffic Fatalities Occurring While an Operator Was Under the Influence and Subsequent Prosecution with Respect to Those Occurrences

January 17, 2024

Senator Beebe-Center, Representative Salisbury, and honorable members of the Criminal Justice and Public Safety Committee. My name is Jason Moen. I am the Chief of the Auburn Police Department, and the Acting President of the Maine Chiefs of Police Association. I am submitting testimony on behalf of the Maine Chiefs of Police Association in support of LD 2041.

The Mission of the Maine Chiefs of Police Association is to secure a closer official and personal relationship among Maine Police Officials; to secure a unity of action in law enforcement matters; to enhance the standards of police personnel, police training and police professionalism generally; to devise ways and means for equality of law enforcement throughout the state of Maine; to advance the prevention and detection of crime; to prescribe to the Law Enforcement Code of Ethics; and to promote the profession of law enforcement as an integral and dedicated force in today's society sworn to the protection of life and property.

As proposed, this resolve directs Maine's Attorney General to convene a commission with membership made up of law enforcement officers and district attorneys to review traffic fatalities in Maine in which an operator was charged with OUI and the ensuing prosecution of those occurrences. The commission would also be charged with creating a set of best practices to be used as a guide in the enforcement of and prosecution involving the laws governing OUI offenses.

As members of the law enforcement community, we are always supportive of efforts to assist our departments and law enforcement members with vetted guidelines to use to enforce Maine law. These guidelines can be invaluable to instill confidence in and provide clear information to our officers so they can make legal decisions with clarity and certainty, knowing that all law enforcement departments throughout the state are using the same guidelines.

We do believe that adding additional viewpoints and data to the work of the commission would result in a stronger final product. To that end, we believe it is important for a representative from both the Department of Public Safety and the Bureau of Highway Safety to have a seat on the commission. Additionally, it does not make sense to limit collected data to just OUI traffic fatalities. OUI traffic incidents causing serious bodily injury should also be included. Serious

bodily injury is an injury which creates a substantial risk of death, or which causes serious, permanent disfigurement or loss or substantial impairment of the function of any bodily member or organ, or extended convalescence necessary for recovery of physical health. The severity of these life-changing injuries warrants a similar level of investigative work by law enforcement so they should receive a similar standard of review by the commission.

On behalf of the Maine Chiefs of Police Association, we thank the Committee for its consideration of this proposal, and we respectfully ask members to pass LD 2041 with the suggested changes.