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**Testimony on L.D. 28, *An Act To Create an Alert System To Notify
the Public When a Person with an Intellectual or Developmental Disability Is Missing.*
Presented by Senator Harold “Trey” Stewart III
Joint Standing Committee on Criminal Justice and Public Safety
February 8, 2021**

Good morning Senator Deschambault, Representative Warren and distinguished members of the Joint Standing Committee on Criminal Justice and Public Safety: I am State Senator Trey Stewart and I have the distinction of representing 51 communities in Aroostook and Penobscot Counties. I am here today to present to you L.D. 28, An Act To Create an Alert System To Notify the Public When a Person with an Intellectual or Developmental Disability Is Missing.

This bill originated as an idea from a constituent of mine in Presque Isle who has an 11 year old son with Autism. Her name is Maeghan Swanson and we are fortunate to have her with us this morning to share her and her son’s story, and to help underscore why ensuring an alert system like this is available in Maine is critically important from the perspective of a parent of a child with a disability.

Consider, for a moment, the fear, panic and anxiety that sets in if in the blink of an eye, your child has disappeared from the home when you went to change the laundry over, check on dinner in the oven, or even simply use the restroom. For any parent, this would be a heart-stopping moment as you realize there’s no trace of where your child may have gone. Now, compound this anxiety and concern when you consider that the child may have a disability that makes communicating with strangers and navigating on their own even more of a challenge or altogether impossible. Unfortunately, this scenario plays out in real life more often than it should. When it does, ensuring that law enforcement has the tools available to safely return these kids to the safety of their homes is paramount. This is the goal of LD 28.

In an effort to address some of the concerns that have been brought to my attention by stakeholders who you will hear from later this morning, I’d like to recommend the committee consider amending the bill. The amendment would limit the scope of this bill to clearly apply only to minors and only activate the system once a request has been made by the missing child’s parent or legal guardian to members of law enforcement.

Currently, the alert systems that exist in Maine are the AMBER Alert system and the Silver Alert system. The AMBER Alert is a program designated to missing children who may have been abducted with strict criteria for instances where it is to be used by public safety. Similarly, the Silver Alert is a state-based program that is targeted towards senior citizens who have wandered off and may have a mental disability such as Alzheimer’s or Dementia. Neither of these alert programs are particularly well geared to address an instance of a child with an intellectual or developmental disability, prompting Mrs. Swanson to contact me to rectify this shortcoming in our state.

Getting the child reunited with their parent is obviously the top goal of public safety officers and the public as a whole, but without an understanding of the impact a disability may have on communication with the child, this effort becomes increasingly challenging. As the data on children with Autism who wander informs us, the most lethal years of wandering children is in these younger years when they are particularly vulnerable. From 2011-2016, a study of children with Autism who wandered away from their homes found that 55% of these instances resulted in either fatalities (17%) or “close calls” (38%). The two leading causes of death were drowning (71%) or being struck by vehicles (18%).¹

Unfortunately, examples abound of these types of horrific and avoidable instances of lethal outcomes. If even one of these children could have been saved through the implementation of an alert system that informed law enforcement, public safety officers and the public of the particular signals and warning signs to look for of individuals with specific disabilities who are missing and may be in danger, would that not be worth the effort?

Given the nature of the system, it would be an opt-in with parents being the ultimate decision-maker on whether it is utilized or not. In speaking with parents of children with disabilities, it’s become clear to me that they should be the decision makers as to whether utilizing a system like this is appropriate in the specific instance of their child’s disappearance—but if the system doesn’t exist at all, that choice won’t exist.

I have spoken with representatives from the Department of Public Safety and I welcome their comments following this testimony to help better inform the committee of the nature of these systems, as they’ve informed me. I’ve learned a tremendous amount about the operations and processes used in determining whether an alert is appropriate and who is best positioned to initiate that process. I feel confident that this bill can be a powerful addition to the tools available to Maine public safety and law enforcement officers, and to Maine families, even if the technical components need to be worked out in a work session with the committee.

Regardless of the outcome of this bill, I hope that this public hearing today will serve as the beginning of a larger conversation with so many stakeholders across our state on this problem. Of course, parents of children with disabilities should be and often are proactive in their communities with emergency responders. However, in instances where either local law enforcement is unaware of a child’s disabilities or in instances where they have traveled away from home and the child has wandered-off, a system like this can prevent a child in Maine from becoming a tragic statistic.

Finally, I want to take a moment to thank Mrs. Swanson for contacting me with this idea and beginning the legislative process with this bill. Since putting it in, I’ve been contacted by numerous stakeholders about the importance of a system like this—one that can save lives and prevent a crisis from turning tragic. It has opened my eyes to a need within the community and I hope we can work together to craft a strategy that will be effective. Thank you to all who are here today to engage with this legislation and put the safety of children in Maine who are particularly vulnerable first.

I would be more than happy to answer any questions the committee may have at this time and will make myself available for the work session when one is scheduled. Thank you for your consideration of this important legislation.

¹ <https://nationalautismassociation.org/wp-content/uploads/2017/04/NAAMortalityRiskASDElopement.pdf>