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Date: (Filing No. H-)

JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 88, L.D. 132, “An Act To Implement the Attorney General's Recommendations on Data Collection in Order To Eliminate Profiling in Maine”

Amend the bill in section 1 in c. 337-D in §4752 in subsection 1 in the 2nd line (page 1, line 22 in L.D.) by striking out the following: "violations" and inserting the following: 'infractions'

Amend the bill in section 1 in c. 337-D in §4752 in subsection 1 in paragraph A in the first line (page 1, line 24 in L.D.) by striking out the following: "violations" and inserting the following: 'infractions'

Amend the bill in section 1 in c. 337-D in §4752 in subsection 1 in paragraph C in the first line (page 1, line 29 in L.D.) by striking out the following: "violation" and inserting the following: 'infraction'

Amend the bill in section 1 in c. 337-D in §4752 in subsection 1 in paragraph D in the last line (page 1, line 31 in L.D.) by striking out the following: "violation" and inserting the following: 'infraction'

Amend the bill in section 1 in c. 337-D in §4752 in subsection 1 in paragraph E in the 3rd line (page 1, line 34 in L.D.) by striking out the following: "violation" and inserting the following: 'infraction'

Amend the bill in section 1 in c. 337-D in §4753 in subsection 1 in the 3rd line (page 2, line 4 in L.D.) by striking out the following: "violations" and inserting the following: 'infractions'

Amend the bill in section 1 in c. 337-D by striking out all of §4754 and inserting the following:

§4754. Report; publication of data

Beginning January 15, 2024 and annually thereafter, the Attorney General shall provide to the joint standing committees of the Legislature having jurisdiction over judiciary matters and criminal justice and public safety matters and make available to the

COMMITTEE AMENDMENT

1 public a report of the information collected pursuant to this chapter. The report must
 2 include an analysis of the information and may include recommendations for changes in
 3 laws, rules and practices. Information reported may not include personally identifiable
 4 information.'

5 Amend the bill by inserting after section 1 the following:

6 '**Sec. 2. Appropriations and allocations.** The following appropriations and
 7 allocations are made.

8 **ATTORNEY GENERAL, DEPARTMENT OF THE**

9 **Administration - Attorney General 0310**

10 Initiative: Provides funding for one Planning and Research Associate I position to analyze,
 11 make recommendations and report on information collected from law enforcement.

| | | |
|----------------------------------|-----------------|-----------------|
| 12 GENERAL FUND | 2021-22 | 2022-23 |
| 13 POSITIONS - LEGISLATIVE COUNT | 1,000 | 1,000 |
| 14 Personal Services | \$81,483 | \$84,090 |
| 15 | | |
| 16 GENERAL FUND TOTAL | <u>\$81,483</u> | <u>\$84,090</u> |

18 **ATTORNEY GENERAL, DEPARTMENT OF THE**
 19 **DEPARTMENT TOTALS**

| | | |
|--|------------------------|------------------------|
| 20 GENERAL FUND | 2021-22 | 2022-23 |
| 21 | \$81,483 | \$84,090 |
| 22 | | |
| 23 DEPARTMENT TOTAL - ALL FUNDS | <u>\$81,483</u> | <u>\$84,090</u> |

24 **PUBLIC SAFETY, DEPARTMENT OF**

25 **State Police 0291**

26 Initiative: Provides funding for computer programming costs and related maintenance.

| | | |
|-------------------------|------------------|-----------------|
| 27 GENERAL FUND | 2021-22 | 2022-23 |
| 28 All Other | \$22,750 | \$22,750 |
| 29 Capital Expenditures | \$113,750 | \$0 |
| 30 | | |
| 31 GENERAL FUND TOTAL | <u>\$136,500</u> | <u>\$22,750</u> |

| | | |
|-------------------------|-----------------|-----------------|
| 33 HIGHWAY FUND | 2021-22 | 2022-23 |
| 34 All Other | \$19,006 | \$14,696 |
| 35 Capital Expenditures | \$61,250 | \$0 |
| 36 | | |
| 37 HIGHWAY FUND TOTAL | <u>\$80,256</u> | <u>\$14,696</u> |

38 **State Police 0291**

39 Initiative: Provides funding for one Planning and Research Associate II position to collect
 40 and report data.

| | | |
|------------------------|----------------|----------------|
| 41 GENERAL FUND | 2021-22 | 2022-23 |
|------------------------|----------------|----------------|

| | | | |
|----|-------------------------------------|-------------------------|-------------------------|
| 1 | POSITIONS - LEGISLATIVE COUNT | 1,000 | 1,000 |
| 2 | Personal Services | \$43,875 | \$58,500 |
| 3 | | | |
| 4 | GENERAL FUND TOTAL | <u>\$43,875</u> | <u>\$58,500</u> |
| 5 | | | |
| 6 | HIGHWAY FUND | 2021-22 | 2022-23 |
| 7 | Personal Services | \$23,625 | \$31,500 |
| 8 | | | |
| 9 | HIGHWAY FUND TOTAL | <u>\$23,625</u> | <u>\$31,500</u> |
| 10 | | | |
| 11 | PUBLIC SAFETY, DEPARTMENT OF | | |
| 12 | DEPARTMENT TOTALS | 2021-22 | 2022-23 |
| 13 | | | |
| 14 | GENERAL FUND | \$180,375 | \$81,250 |
| 15 | HIGHWAY FUND | \$103,881 | \$46,196 |
| 16 | | | |
| 17 | DEPARTMENT TOTAL - ALL FUNDS | <u>\$284,256</u> | <u>\$127,446</u> |
| 18 | | | |
| 19 | SECTION TOTALS | 2021-22 | 2022-23 |
| 20 | | | |
| 21 | GENERAL FUND | \$261,858 | \$165,340 |
| 22 | HIGHWAY FUND | \$103,881 | \$46,196 |
| 23 | | | |
| 24 | SECTION TOTAL - ALL FUNDS | <u>\$365,739</u> | <u>\$211,536</u> |

25 '
 26 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
 27 number to read consecutively.

28 **SUMMARY**

29 This amendment is the majority report of the committee.

30 The bill requires the collection of data regarding traffic violation stops and for each
 31 law enforcement agency to collect the information and submit it to the Attorney General.
 32 The information collected and submitted to the Attorney General may not include
 33 personally identifiable information about any person who was stopped. The Attorney
 34 General is directed to compile and analyze all the information submitted by law
 35 enforcement agencies and provide a report of the analysis and any recommendations. The
 36 Attorney General's report may not include any personally identifiable information.

37 This amendment strikes from the bill the provision that creates a public records
 38 exception for personally identifiable information of a law enforcement officer or any other
 39 person involved in any activity for which data is collected. Because the Attorney General
 40 will not have and therefore cannot report any personally identifiable information about
 41 those who have been stopped, there is no need for statutory language to protect that
 42 information from public disclosure. If there is information reported about law enforcement

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1 officers who have violated the law and the policies prohibiting profiling, although the
2 information is not included in the Attorney General's report, it is not completely sealed
3 from public disclosure.

4 This amendment corrects the terminology from "traffic violation" to "traffic
5 infraction."

6 The amendment adds an appropriations and allocations section.

7 **FISCAL NOTE REQUIRED**

8 **(See attached)**