

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND NINETEEN

H.P. 1077 - L.D. 1475

An Act To Eliminate Profiling in Maine

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

Sec. 1. 5 MRSA §200-K is enacted to read:

**§200-K. Attorney General procedures and programs to eliminate profiling**

**1. Complaints.** The Attorney General shall implement procedures for receiving, investigating and responding to complaints alleging profiling by law enforcement officers or law enforcement agencies.

**2. Rules.** In consultation with interested parties, including law enforcement agencies and community, professional, research, civil liberties and civil rights organizations, the Attorney General may adopt rules for the operation of administrative complaint procedures and independent audit programs to ensure that programs and procedures provide an appropriate response to allegations of profiling by law enforcement officers or law enforcement agencies. Rules may contain guidelines and ensure the fairness, effectiveness and independence of the administrative complaint procedures and independent auditor programs. Rules adopted pursuant to this subsection are routine technical rules as defined in chapter 375, subchapter 2-A.

Sec. 2. 25 MRSA §2803-B, sub-§1, ¶E, as enacted by PL 1993, c. 744, §5, is amended to read:

E. Hate or bias crimes. A policy adopted under this paragraph must include a policy statement that prohibits stops, detentions, searches or asset seizures and forfeitures efforts based on race, ethnicity, gender, sexual orientation, gender identity, religion, socioeconomic status, age, national origin or ancestry by members of the law enforcement agency, states that individuals may be stopped or detained only when legal authority exists to do so and states that members of the law enforcement agency must base their enforcement actions solely on an individual's conduct and behavior or specific suspect information;

Sec. 3. 25 MRSA §2804-C, sub-§2-E is enacted to read:

**2-E. Training regarding bias-based profiling.** The board shall include in the basic law enforcement training program a block of instruction aimed specifically at the prohibition of bias-based profiling that prohibits stops, detentions, searches or asset seizures and forfeitures efforts based on race, ethnicity, gender, sexual orientation, gender identity, religion, socioeconomic status, age, national origin or ancestry by members of a law enforcement agency, that provides that individuals may be stopped or detained only when legal authority exists to do so and that provides that members of a law enforcement agency must base their enforcement actions solely on an individual's conduct and behavior or specific suspect information.

**Sec. 4. Collection and compilation of data on profiling.** The Attorney General, in consultation with interested parties, including law enforcement agencies and community, professional, research, civil liberties and civil rights organizations, shall explore available techniques for the collection and compilation of profiling data and shall report findings and recommendations to the Joint Standing Committee on Judiciary no later than March 15, 2020. The joint standing committee may report out legislation based on the recommendations to the Second Regular Session of the 129th Legislature.