

CHAPTER 337-D**PROFILING AND DATA COLLECTION****§4751. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2021, c. 460, §1 (NEW).]

1. Law enforcement agency. "Law enforcement agency" means an agency in the State charged with enforcement of state, county, municipal or federal laws or laws of a federally recognized Indian tribe, with the prevention, detection or investigation of criminal, immigration or customs laws or with managing custody of detained persons in the State and includes, but is not limited to, a municipal police department, a sheriff's department, the State Police, a university or college police department and the Department of Public Safety.

[PL 2021, c. 460, §1 (NEW).]

2. Law enforcement officer. "Law enforcement officer" means a state, county or municipal official or an official of a federally recognized Indian tribe responsible for enforcing criminal, immigration or customs laws, including, but not limited to, a law enforcement officer who possesses a current and valid certificate issued by the Board of Trustees of the Maine Criminal Justice Academy pursuant to Title 25, section 2803-A.

[PL 2021, c. 460, §1 (NEW).]

3. Profiling. "Profiling" means the consideration of or reliance on, to any degree, actual or perceived race, color, sex, sexual orientation, gender identity, physical or mental disability, religion, ancestry or national origin, age or familial status in deciding which persons to subject to a traffic or pedestrian stop or in deciding the scope or substance of law enforcement activities following a traffic or pedestrian stop. "Profiling" does not mean consideration of or reliance on characteristics provided in a specific suspect description. For purposes of this subsection, "activities following a traffic or pedestrian stop" include, but are not limited to, asking questions of a person, frisking a person, conducting consensual and nonconsensual searches of a person or property, seizing of property, requiring vehicle occupants to exit a vehicle during a traffic stop, issuing a citation and making an arrest.

[PL 2023, c. 368, Pt. B, §2 (NEW).]

SECTION HISTORY

PL 2021, c. 460, §1 (NEW). PL 2023, c. 368, Pt. B, §2 (AMD).

§4752. Collection of information; reporting of information

1. Information collected. Beginning July 1, 2024, a law enforcement agency shall record and retain the following information regarding traffic infractions occurring in this State:

A. The number of persons stopped for traffic infractions; [PL 2021, c. 460, §1 (NEW).]

B. Characteristics of race, color, ethnicity, gender and age of each person described in paragraph A. The identification of such characteristics must be based on the observation and perception of the law enforcement officer responsible for reporting the stop. The person stopped may not be required to provide the information; [PL 2021, c. 460, §1 (NEW).]

C. The nature of each alleged traffic infraction that resulted in a stop; [PL 2021, c. 460, §1 (NEW).]

D. Whether a warning or citation was issued, an arrest was made or a search was conducted as a result of each stop for a traffic infraction; and [PL 2021, c. 460, §1 (NEW).]

E. Any additional information the law enforcement agency determines appropriate. The additional information may not include any other personally identifiable information about a person stopped for a traffic infraction such as the person's driver's license number, name or address. [PL 2021, c. 460, §1 (NEW).]

[PL 2023, c. 368, Pt. C, §1 (AMD).]

2. Report to Attorney General. A law enforcement agency shall report the information required to be recorded and retained under subsection 1 to the Attorney General pursuant to rules adopted pursuant to section 4753.

[PL 2021, c. 460, §1 (NEW).]

SECTION HISTORY

PL 2021, c. 460, §1 (NEW). PL 2023, c. 368, Pt. C, §1 (AMD).

§4753. Rules; consultation

1. Adoption of rules. By January 1, 2024, the Attorney General shall adopt rules for the recording, retention and reporting of information pursuant to section 4752 pertaining to persons stopped for traffic infractions. The information must include the characteristics of race, color, ethnicity, gender and age of the persons stopped, based on the observation and perception of the law enforcement officer making the stop. Rules adopted pursuant to this subsection are routine technical rules as defined in chapter 375, subchapter 2-A.

[PL 2023, c. 368, Pt. C, §2 (AMD).]

2. Consultation. In adopting rules pursuant to subsection 1, the Attorney General shall consult with the Commissioner of Public Safety and interested parties, including law enforcement agencies and community, professional, research, civil liberties and civil rights organizations and persons with lived experience of being profiled. The Attorney General shall ensure that the parties consulted represent the racial and ethnic diversity of the State.

[PL 2021, c. 460, §1 (NEW).]

SECTION HISTORY

PL 2021, c. 460, §1 (NEW). PL 2023, c. 368, Pt. C, §2 (AMD).

§4754. Report; publication of data

Beginning January 15, 2025 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 public a report of the information collected pursuant to this chapter. The report must include an analysis of the information and may include recommendations for changes in laws, rules and practices. Information reported may not include personally identifiable information. [PL 2023, c. 368, Pt. C, §3 (AMD).]

SECTION HISTORY

PL 2021, c. 460, §1 (NEW). PL 2023, c. 368, Pt. C, §3 (AMD).

§4755. Profiling prohibited

In enforcing the laws of this State, a law enforcement officer or law enforcement agency may not engage in profiling. Violations of this section are not enforceable under chapter 337-B but may form the basis of disciplinary proceedings by the Board of Trustees of the Maine Criminal Justice Academy to suspend or to revoke any certification issued by the board pursuant to Title 25, section 2806-A, subsection 5, paragraph J or to take other action the board determines to be appropriate pursuant to Title 25, section 2806-A, subsection 6. [PL 2023, c. 368, Pt. B, §3 (NEW).]

SECTION HISTORY

PL 2023, c. 368, Pt. B, §3 (NEW).

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