

**OFFICE OF POLICY AND LEGAL ANALYSIS
BILL ANALYSIS**

TO: Members, Joint Standing Committee on Criminal Justice and Public Safety

FROM: Jane Orbeton, Legislative Analyst

DATE: February 17, 2021

LD: 28 An Act To Create an Alert System To Notify the Public When a Person with an Intellectual or Developmental Disability Is Missing

Summary

This bill requires the Department of Public Safety to develop and implement an alert system to be activated on behalf of missing persons with intellectual or developmental disabilities.

Testimony

1. The sponsor, Senator Stewart, testified and submitted testimony supporting the bill. Representative Underwood testified in support of the bill. Senator Stewart's constituent, Maeghan Swanson, spoke in favor of the bill and explained alert systems in other states. Also testifying in support of the bill were Rebecca Graham representing Maine Municipal Association, Leo Delicata representing Legal Services for the Elderly, Ken Mason representing the Maine Sheriffs' Association and Cathy Dionne representing the Autism Society of Maine.
2. Staci Converse, representing Disability Rights Maine, submitted testimony against the bill.
3. Suzanne Goucher, representing the Maine Association of Broadcasters, and Brodie Hinckley, representing the Department of Public Safety Bureau of Emergency Communications, testified neither for nor against.

Possible Amendments

1. See notes below for suggestions from Senator Stewart, Rebecca Graham and Leo Delicata.

Notes/Issues

1. Senator Stewart proposed in his testimony that the bill be amended: (1) to apply only to minors who have intellectual or developmental disabilities, (2) to apply only when that person's parent or legal guardian has requested that the system be activated and (3) to require that a law enforcement agency be involved before the system is used and is in charge of use of the system.
 2. Maeghan Swanson was asked to provide a list of states that have alert systems like the one proposed. Ms. Swanson provided a list in her testimony dated February 8 of states with alert systems for children and adults with intellectual and developmental disabilities: AL, AZ, CA, CO, DE, GA, IN, LA, MS, NJ, NY, NC, ND, OK, SC, TX, VA.
 3. Rebecca Graham suggested amendment of Maine's current system, the Silver Alert system for older people and adults who have experienced irreversible deterioration of intellectual faculties.
 3. Leo Delicata's testimony speaks to problems with Silver Alert as a basis for his support for a new system. Leo Delicata was asked for data on the number of grandparents living with grandchildren.
-

TITLE 25, CHAPTER 259, SILVER ALERT PROGRAM

§2201. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

- 1. Department.** "Department" means the Department of Public Safety.
- 2. Missing senior citizen.** "Missing senior citizen" means a person:
 - A. Who at the time the person is first reported missing is 60 years of age or older or, under extraordinary circumstances, a person 18 to 59 years of age who also meets the criteria in paragraphs B and C;
 - B. With respect to whom there is a clear indication that the person has an irreversible deterioration of intellectual faculties such as dementia, as determined by a local law enforcement agency; and
 - C. Whose disappearance poses a credible threat to the safety and health of the person as determined by a local law enforcement agency.
- 3. Media.** "Media" means print, radio, Internet-based communication systems or other methods of communicating information to the public.
- 4. Silver Alert.** "Silver Alert" means a notice provided under this chapter to the public through law enforcement agencies and the media.
- 5. Silver Alert Program.** "Silver Alert Program" means the statewide alert program for missing senior citizens developed and implemented under this chapter.

§2202. Silver Alert Program

In accordance with this chapter and with the cooperation of the Department of Transportation, the Maine Turnpike Authority, a statewide organization representing broadcast groups in the State, the Office of the Governor and appropriate law enforcement agencies, the department shall develop and implement the Silver Alert Program to be activated on behalf of missing senior citizens. The program must include standards of procedure for local law enforcement agencies to determine that a missing person is a missing senior citizen and appropriately activate a Silver Alert to local or statewide law enforcement agencies and to the media, a plan for providing relevant information to the public through an existing system of dynamic message signs located across the State when necessary and training for all law enforcement officers. The Silver Alert Program must be developed and implemented using existing resources.

TITLE 25, CHAPTER 260, BLUE ALERT PROGRAM

§2221. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

- 1. Blue Alert.** "Blue Alert" means a notice provided under this chapter to the public through certain state agencies and the media.
- 2. Blue Alert Program.** "Blue Alert Program" means the statewide alert program regarding killed, injured or missing law enforcement officers developed and implemented under this chapter.
- 3. Department.** "Department" means the Department of Public Safety.
- 4. Law enforcement officer.** "Law enforcement officer" has the same meaning as in section 3701, subsection 3.
- 5. Media.** "Media" means print, radio, Internet-based communication systems or other methods of communicating information to the public.

§2222. Blue Alert Program

- 1. Blue Alert Program.** In accordance with this chapter and with the cooperation of the Department of Transportation, the Maine Turnpike Authority, a statewide organization representing broadcast groups in the State, the Office of the Governor and appropriate law enforcement agencies, the department shall develop and implement the Blue Alert Program as provided in subsection 2.
- 2. Program elements.** The Blue Alert Program must be developed and implemented using existing resources and activated when, in the line of duty, a law enforcement officer has been killed or injured or is missing, there is sufficient information available regarding the law enforcement officer's last known location or physical description of an offender or vehicle involved and the department determines that a public notification may aid in:
 - A. Apprehending a suspected offender who poses an imminent threat to the public or to law enforcement personnel; or
 - B. Locating a missing law enforcement officer.
- 3. Standards of procedure.** The Blue Alert Program must include standards of procedure for local law enforcement agencies to determine that a condition under subsection 2 exists to notify the department to activate a Blue Alert, a plan for providing relevant information to the public through an existing system of dynamic message signs located across the State when necessary and training for all law enforcement officers.
- 4. Rules.** The department may adopt routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A to carry out the purposes of this chapter.