



MAINE STATE POLICE GENERAL ORDER

E-70

SUBJECT: MAINE STATE POLICE POLICY REGARDING PUBLIC REQUESTS FOR FINGERPRINTING OR PALM PRINTING

EFFECTIVE DATE: 08.01.2020

EXPIRATION DATE: 08.01.2027

RECENT HISTORY: AMENDED (08.01.2020); REVISED (03.03.2014); TECHNICAL CHANGE (10.04.2011); CONVERTED TO WEB FORMAT (01.09.2009); FORMERLY G.O. 82B (EFFECTIVE 01.17.1995)

DISTRIBUTION CODE: 2 (MAY BE PUBLICLY DISCLOSED)

APPLICABILITY CODE: C, S, Z

SIGNATURE OF COLONEL:

A handwritten signature in black ink, appearing to read "W. B. R.", is written over a light blue rectangular background.

I. PURPOSE

1. The purpose of this General Order is to describe the process that is to be followed by Maine State Police employees when:
 - A. Applicable Maine law requires fingerprints and/or palm prints to be taken by the Maine State Police;
 - B. A person makes a request for his or her fingerprints and/or palm prints to be taken by the Maine State Police for non-criminal justice purposes; and
 - C. A parent or legal guardian of a child makes a request for his or her child's fingerprints and/or palm prints to be taken by the Maine State Police for non-criminal justice purposes.

II. POLICY

1. The policy of the Maine State Police is:
 - A. To take the fingerprints and/or palm prints of persons, or cause such prints to be taken, when applicable law requires such;
 - B. At the discretion of the agency, to take the fingerprints and/or palm prints of persons who make requests for either or both such types of prints to be taken for non-criminal justice purposes; and
 - C. At the discretion of the agency, to take the fingerprints and/or palm prints of children whose parents or legal guardians make requests for either or both such types of prints to be taken for non-criminal justice purposes.

III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
 - A. None.

IV. PROCEDURE

1. STATUTORY REQUIREMENTS TO TAKE FINGERPRINTS AND/OR PALM PRINTS
 - A. The Maine State Police shall take fingerprints and/or palm prints, or cause such prints to be taken, when applicable law requires such. Such prints shall be taken in accordance with the provisions set forth in each such law.
2. PERSONAL REQUESTS
 - A. When a person makes a request for his or her fingerprints, palm prints, or both to be taken, the Maine State Police employee to whom the request is made:
 1. May schedule an appointment to take such prints if the employee is a sworn officer; or
 2. May refer the person to a Troop barracks or the State Bureau of Identification (SBI), and inform the person to contact the Troop barracks or SBI to make an appointment for the fingerprints, palm prints, or both, to be taken.
 - **A sworn officer, a Troop, or SBI may accommodate such a request, but is not required to do so.**
 - B. When such a request is accommodated:

1. Fingerprints and palm prints must be taken on a form provided by the requesting person or, if the person does not provide a form, upon the Non-criminal Fingerprint Record.
2. Any fingerprints, palm prints, and demographic information taken or collected by a Troop or SBI when taking such prints at the request of a person shall **not** be retained, and, in a case in which a Troop takes such prints, shall **not** be forwarded to SBI, **UNLESS**:
 - a. Doing so is otherwise required by statute; or
 - b. The person providing such prints and demographic information requests that the fingerprints, palm prints, and/or demographic information be forwarded to SBI for the purpose of obtaining a criminal history record check.
3. Notwithstanding 25 MRSA sec. 1549, the person shall not be charged a fee for his or her fingerprints, palm prints, or both, to be taken.

3. PARENT OR LEGAL GUARDIAN REQUESTS

- A. If a parent or legal guardian of a child makes a request for his or her child's fingerprints and/or palm prints to be taken, the Maine State Police employee to whom the request is made:
 1. May schedule an appointment to take such prints if the employee is a sworn officer; or
 2. May refer the requestor to a Troop barracks or SBI, and inform the requestor to contact the Troop barracks or SBI to make an appointment for the child's fingerprints, palm prints, or both, to be taken.
- B. **A sworn officer, a Troop, or SBI may accommodate such a request, but is not required to do so.**
- C. When such a request is accommodated:
 1. Fingerprints and palm prints must be taken on a form provided by the requesting parent or legal guardian, or, if the parent or legal guardian does not provide a form, upon the Non-criminal Fingerprint Record.
 2. Any fingerprints, palm prints, and demographic information taken or collected by a Troop or SBI when taking such prints of a child at the request of the child's parent or legal guardian

shall **not** be retained, and, in a case in which a Troop takes such prints, shall **not** be forwarded to SBI, **UNLESS**:

- a. Doing so is required by statute; or
 - b. The parent or legal guardian of the child providing such prints and demographic information requests that the fingerprints, palm prints, and/or demographic information be forwarded to SBI for the purpose of obtaining a criminal history record check.
3. Notwithstanding 25 MRSA sec. 1549, the child's parent or legal guardian shall not be charged a fee for his or her child's fingerprints, palm prints, or both, to be taken.

NOTICE

THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.