

MAINE STATE LEGISLATURE

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Date: 4/12/19

(Filing No. S-45)

JUDICIARY

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**STATE OF MAINE
SENATE
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 139, L.D. 475, Bill, "An Act To Ensure Caller Access to E-9-1-1 Call Recordings"

Amend the bill by striking out the title and substituting the following:

'An Act Concerning Caller Access to E-9-1-1 Call Recordings'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 25 MRSA §2929, sub-§4, ¶B-1 is enacted to read:

B-1. Directly to the clerk's office of a court presiding over a protection from abuse or protection from harassment action if a party in the action made one or more E-9-1-1 calls relevant to the action and that party, or that party's attorney, contacts the custodian of the audio recordings of the call or calls and requests that the recordings be forwarded to that clerk's office for use in a hearing on the complaint for protection from abuse or complaint for protection from harassment. At its discretion, the court presiding over the action may permit the parties to the action, and their attorneys if the parties are represented, to access the recordings and, on a finding of good cause, may permit copies of the recordings to be provided to the parties and their attorneys if the parties are represented. In making a request for recordings pursuant to this paragraph, the party making the request, or that party's attorney, shall provide to the custodian of the audio recordings the names of the parties to the protection from abuse or protection from harassment action, the name of the court presiding over the action and the docket number of the action. The request must be made in writing, including, but not limited to, by electronic mail, and must be made so as to provide a reasonable amount of time for the custodian to search for, retrieve and send the recordings to the clerk's office of the presiding court. The recordings must be sent in a format used by the custodian of the recordings and the courts.'

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

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SUMMARY

This amendment replaces the bill. It provides that, instead of requiring that the custodian of the recording of an E-9-1-1 call give a copy of the recording to the person who made the call as provided in the bill, a party to a protection from harassment or protection from abuse action to which the E-9-1-1 call is relevant may request that the recording be sent to the clerk's office of the court in which the action is pending. The court may then review the recording and determine whether the parties or their attorneys, if the parties are represented, should have access to or, for good cause shown, a copy of the recording.

When requesting a recording be sent to the clerk, the party making the request to the custodian is required to provide the names of the parties, the court that is presiding over the action and the docket number. The request must be made in writing, which may include e-mail. The request must be made so as to allow the custodian a reasonable amount of time to search for, retrieve and send the recording. The custodian must send the recording in the format that both the custodian and the courts use.

FISCAL NOTE REQUIRED

(See attached)



Approved: 04/01/19 *mac*

129th MAINE LEGISLATURE

LD 475

LR 1719(02)

An Act To Ensure Caller Access to E-9-1-1 Call Recordings

Fiscal Note for Bill as Amended by Committee Amendment 'A' (CS-45)

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Judicial Branch to implement the requirements in this bill are expected to be minor and can be absorbed within existing budgeted resources.