

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 419

H.P. 273

House of Representatives, February 4, 2025

An Act to Increase the Transparency and Accountability of the Maine Information and Analysis Center

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative LOOKNER of Portland.
Cosponsored by Senator TALBOT ROSS of Cumberland and
Representatives: ANKELES of Brunswick, BOYER of Poland, CHAPMAN of Auburn,
HASENFUS of Readfield, LEE of Auburn, LIBBY of Auburn, MILLIKEN of Blue Hill,
PLUECKER of Warren.

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

2 **Sec. 1. 25 MRSA §1802** is enacted to read:

3 **§1802. Auditor of center**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Auditor" means the auditor of the center pursuant to this section.

7 B. "Committee" means the joint standing committee of the Legislature having
8 jurisdiction over criminal justice and public safety matters.

9 C. "De-identified" means, with respect to a report, that personally identifiable
10 information has been removed from or obscured in the report so that the report does
11 not identify a person and reasonably cannot be used to identify a person.

12 **2. Creation and appointment of position.** There is created within the Office of the
13 Attorney General the position of auditor of the center. The auditor must be appointed by
14 the Attorney General without regard to political affiliation and, as determined by the
15 Attorney General, must be a person qualified by integrity and demonstrated ability in
16 relevant fields.

17 **3. Powers and duties.** The auditor shall provide systematic, ongoing oversight of the
18 center to ensure the transparency and accountability of its operations and to ensure that the
19 center operates within the law and in a manner that preserves the privacy, civil liberties and
20 civil rights of all persons in the State. The auditor:

21 A. Shall assist the committee in the oversight duties of the committee over the center;

22 B. Shall maintain a publicly accessible website that includes the de-identified
23 informational reports provided to the committee by the center pursuant to section 1801
24 and by the auditor pursuant to subsection 4;

25 C. Shall include as part of the publicly accessible website described in paragraph B a
26 means by which a person may submit questions or complaints about the auditor or
27 center. The identity of a person who submits a good faith complaint to the auditor
28 against the center using the website or by other means is confidential and the auditor
29 shall maintain the identity of that person as confidential; and

30 D. May select the type and extent of reviews of center activities to conduct.

31 **4. Reporting.** The auditor shall provide the following reports to the committee:

32 A. A report no later than April 1st each year beginning in 2026 regarding the oversight
33 of the center;

34 B. An interim progress report no later than September 15th each year beginning in
35 2026, including progress made on any goals established by the auditor in prior reports
36 and any obstacles the auditor has found in fulfilling the requirements of this section;

37 C. A report whenever the center refuses a data request or to make personnel available
38 for auditor interviews, if known by the auditor, including the reason for the refusal, if
39 known by the auditor; and

40 D. Other reports as the auditor determines necessary.

1 A report provided by the auditor to the committee pursuant to this subsection and posted
2 on the auditor's publicly accessible website pursuant to subsection 3, paragraph B must be
3 de-identified and may not contain any information that is confidential or is otherwise not
4 authorized by law to be disseminated to the public. The auditor shall redact from a report
5 required by this subsection any information that is prohibited by law from disclosure, is
6 sensitive and pertains to an ongoing investigation of criminal activity or would cause a
7 specific and imminent threat to safety.

8 **5. Limitations.** The auditor may not:

9 A. Require the center to take corrective action; or

10 B. Disclose the name or other personally identifying information of an informant,
11 witness or suspect or other source of information to the center.

12 **6. Center cooperation.** The center shall make available documents and personnel as
13 requested by the auditor.

14 **7. Commissioner input.** The Commissioner of Public Safety may present to the
15 committee a response to an issue reported by the auditor pursuant to subsection 4.

16 **Sec. 2. 25 MRSA §1803** is enacted to read:

17 **§1803. Public record**

18 Information shared by the center with a private entity that is not designated as classified
19 or confidential under any federal or state law, regulation or rule is a public record within
20 the meaning of the Freedom of Access Act.

21 **Sec. 3. Auditor of Maine Information and Analysis Center; report.** The
22 auditor appointed pursuant to the Maine Revised Statutes, Title 25, section 1802 shall
23 review the Maine Information and Analysis Center's record-keeping and information-
24 sharing practices, particularly with respect to its intelligence-gathering and dissemination
25 practices, and assess the policies used by the center to determine the quality or veracity of
26 the information the center receives and whether those policies appropriately consider the
27 privacy, civil liberties and civil rights of all persons in this State. The auditor shall also
28 determine whether the center's practices comply with the requirements of federal laws and
29 regulations regarding criminal intelligence collection, retention and sharing that are
30 applicable to the center, including, but not limited to, 28 Code of Federal Regulations, Part
31 23. The auditor shall include the results of the review under this section along with any
32 recommendations in the first report the auditor submits to the joint standing committee of
33 the Legislature having jurisdiction over criminal justice and public safety matters pursuant
34 to Title 25, section 1802, subsection 4. After reviewing the report, the joint standing
35 committee may report out legislation relating to the report.

36 As used in this section, "auditor" has the same meaning as in the Maine Revised
37 Statutes, Title 25, section 1802, subsection 1, paragraph A and "Maine Information and
38 Analysis Center" or "center" has the same meaning as in Title 25, section 1801.

39 **SUMMARY**

40 This bill does the following.

41 1. It creates the position of auditor of the Maine Information and Analysis Center
42 within the Office of the Attorney General.

1 2. It adds a definition for "de-identified" and requires that reports submitted to the joint
2 standing committee of the Legislature having jurisdiction over criminal justice and public
3 safety matters and posted on the publicly accessible website of the auditor of the Maine
4 Information and Analysis Center be de-identified.

5 3. It provides that the powers and duties of the auditor include ensuring that the center
6 operates within the law and in a manner that preserves the privacy, civil liberties and civil
7 rights of all people in the State.

8 4. It requires that reports of the auditor to the committee that are posted on the auditor's
9 publicly accessible website may not contain any records that are confidential or otherwise
10 not authorized by law to be disseminated to the public.

11 5. It specifies that the identity of any person who submits a good faith complaint to the
12 auditor against the center using the auditor's publicly accessible website or by other means
13 is confidential and that the auditor must maintain the identity of such persons as
14 confidential.

15 6. It specifies that classified or confidential information that is shared by the center
16 with a private entity is not considered a public record under the Freedom of Access Act.