

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
106TH LEGISLATURE

"A"

HOUSE AMENDMENT to HOUSE AMENDMENT "A" to S.P. 377, L.D. 1108, Bill, "AN ACT Regulating the Interception of Wire and Oral Communications."

Amend said Amendment by striking out all of paragraph A of subsection 3 of that part designated "§ 709." and inserting in place thereof the following :

'A. Any telephone or telegraph instrument, equipment or facility or any component thereof being used by a communication common carrier in the ordinary course of its business or extension telephones used by a subscriber to telephone service; or'

Further amend said Amendment by striking out in the 2nd paragraph the first 2 lines of subsection 1 of that part designated "§ 710." and inserting in place thereof the following:

'1. Interception, oral communications prohibited. Any person, other than an employee of a common carrier as defined in this chapter or a law enforcement officer carrying out practices otherwise permitted by this chapter, who willfully intercepts, attempts to intercept or procures any other'

Further amend said Amendment by striking out all of subsection 5 of that part designated "§ 710." and inserting in place thereof the following:

'5. Possession of interception devices prohibited. A person, other than an employee of a common carrier as defined in this chapter or a law enforcement officer carrying out practices otherwise permitted by this chapter, who has in his possession any device, contri-

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vance, machine or apparatus designed or commonly used for intercepting wire or oral communications defined in this chapter, shall be punished by imprisonment for not more than 2 years or by a fine of not more than \$5,000, or by both.

6. Sale of / ^{interception} devices prohibited. A person who sells, exchanges, delivers, barter, gives or furnishes or possesses with an intent to sell any device, contrivance, machine or apparatus designed or commonly used for the interception of wire or oral communications as defined in this chapter, shall be punished by imprisonment for not more than 10 years / ^{and} by a fine of not more than \$10,000 for each offense.

A. Exception. Devices manufactured under written contract for sale to common carriers and law enforcement agencies, provided that the production of any such device shall not have commenced prior to the signing of said contract by both parties.

Further amend said Amendment -----> by striking out in the 4th and 5th lines of that part designated "§ 712.", after the underlined word and punctuation "carrier," the following underlined words: "whose facilities are used in the transmission of a wire communication" and inserting in place thereof the following: 'as defined in this chapter,'

Further amend said Amendment -----> by inserting at the end of the first paragraph of that part designated "§ 712." before the period, the following: ',nor shall any such officer, employee or agent use or disclose to another the contents as defined

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in this chapter of the communication so intercepted.'

Further amend said / ^{amendment} by inserting at the end of the last line of the last paragraph before the Statement of Fact and before the period the following underlined words and punctuation: ',except that any evidence so obtained shall not be admissible in a court of law'

Statement of Fact

The purpose of this amendment is to prohibit the interception of wire and oral communications and to create civil and criminal penalties therefor; and further to allow exceptions for employees of communications common carriers in the ordinary course of their duties; and for law enforcement officers consistent with the rule of RATHBUN v U.S. 355 US 107 (1957).

Filed by Mr. Martin of Eagle Lake.

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