

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 607

H. P. 500

House of Representatives, February 16, 1979

On Motion of Mr. Hobbins of Saco, referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Huber of Falmouth.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

AN ACT Concerning Police Records.

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

**Sec. 1. 25 MRSA § 1631, first ¶, is amended to read:**

All criminal and administrative records of ~~the State Police~~ **state, county and municipal law enforcement agencies** and the Bureau of Identification are declared to be confidential, except:

**Sec. 2. 25 MRSA § 1631-A is enacted to read:**

**§ 1631-A. Investigative and intelligence records**

**Notwithstanding any other provision of law, all investigative and intelligence records compiled by district attorney offices or county and local law enforcement agencies for law enforcement purposes may be withheld from the public, but only to the extent that the production of that data may:**

- 1. Enforcement proceedings. Interfere with enforcement proceedings;**
- 2. Right to fair trial. Deprive a person of a right to a fair trial or an impartial adjudication;**
- 3. Invasion of privacy. Constitute an unwarranted invasion of personal privacy;**

**4. Confidential sources.** Disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement agency in the course of a criminal investigation, confidential information furnished only by the confidential source;

**5. Technique and procedure.** Disclose investigative techniques and procedures; or

**6. Safety of law enforcement personnel.** Endanger the life or physical safety of law enforcement personnel.

For the purposes of this section, the term "intelligence and investigative information" means information collected by criminal justice agencies in an effort to anticipate, prevent or monitor possible criminal activity, or compiled in the course of investigation of known or suspected crimes.

#### STATEMENT OF FACT

The purposes of this bill are:

1. To include county and municipal law enforcement agencies under the confidentiality provisions covering records. Title 25, section 1631, already provides statutory confidentiality for criminal and administrative records, with specific exemptions for the State Police and the Bureau of Identification. The same reasons and justifications for providing for confidentiality of state law enforcement records support a similar confidentiality for county and municipal law enforcement records. All 3 governmental levels of law enforcement, state, county and municipal, should be treated equally with respect to the legitimate needs for confidentiality of certain police records. There is no legitimate reason for treating one level of governmental law enforcement differently than other levels on this matter. Indeed, the present version of section 1631 is anomalous in that a person may be denied access to a State Police record because it is statutorily declared confidential, yet may have access to an exact duplicate of that record held by a municipal police agency where it is not provided with statutory confidentiality. It is not uncommon for police agencies at different levels of government to possess duplicate records; and

2. To provide for confidentiality of investigative and intelligence records under certain circumstances.