

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 827

H. P. 667

House of Representatives, February 28, 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 Mr. Joyce of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT Concerning Governmental Documents and Records of the Juvenile and Criminal Justice System.

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

Sec. 1. 15 MRSA § 3304, sub-§ 4, last sentence, as enacted by PL 1977, c. 520, § 1, is repealed.

Sec. 2. 25 MRSA § 1631, first sentence, 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:

STATEMENT OF FACT

This bill amends statutes concerning juvenile code documents and law enforcement records.

1. The bill amends the juvenile code to permit a juvenile code summons to be typed on the back of a juvenile petition. The present requirement that the petition and summons be separate documents requires retyping of the material in the petition onto the summons before service. By allowing the summons to be printed on the back side of the petition, this retyping is eliminated.

2. The bill also provides that criminal and administrative records of state, county and municipal law enforcement agencies are confidential, with certain exceptions listed in the statute. Title 25, section 1631, already provides statutory confidentiality for criminal and administrative records, with specific exceptions, for the State Police and the Bureau of Identification. The same reasons and justifications for providing for confidentiality of state law enforcement records supports 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 such 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.