

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1095

6
7 H.P. 845

House of Representatives, March 7, 1983

8 Referred to the Committee on Judiciary. Sent up for concurrence and
9 ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Carroll of Gray.

Cosponsor: Representative Cashman of Old Town.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Amend the Interception of
18 Wire and Oral Communications Law.
19

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

22 15 MRSA §713, as enacted by PL 1979, c. 701, §13,
23 is amended to read:

24 §713. Evidence

25 The contents of an interception shall not be
26 admissable admissible in court, except that the con-
27 tents of an interception of any oral or wire communi-
28 cation which has been legally obtained under the laws
29 of another jurisdiction, either federal or state, in
30 which the interception occurred, shall be admissible
31 in the courts of this State, subject to the Maine
32 Rules of Evidence.

1

STATEMENT OF FACT

2 Maine law prohibits the interception of wire and
3 oral communications and provides that the contents of
4 these interceptions shall not be admissible in court.
5 This bill does not change this fact. Many states and
6 the Federal Government have enacted laws which permit
7 interceptions, such as wiretaps, which are prohibited
8 under Maine law. It often happens that federal law
9 enforcement authorities obtain lawful wiretaps which
10 have been approved by a United States Judge. Simi-
11 larly, other states may have laws which permit the
12 interception of oral and wire communications. It is
13 conceivable that investigations being conducted by
14 the Federal Government or another state, which
15 involve the use of lawful interceptions, will produce
16 evidence which is relevant and useful in a criminal
17 prosecution in Maine. This evidence should be avail-
18 able to the authorities in Maine and should be admis-
19 sible in the courts of Maine, subject to the Rules of
20 Evidence, since it was obtained in a lawful fashion.
21 This bill makes it clear that this evidence will be
22 admissible in the Maine courts.

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