

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 1769

7
8 H.P. 1259 House of Representatives, January 3, 1986
9 Submitted by the Department of Public Safety pursuant to Joint Rule 24.
10 Received by the Clerk of the House on January 3, 1986. Referred to the
11 Committee on Legal Affairs and 1,600 ordered printed pursuant to Joint Rule
12 14.

EDWIN H. PERT, Clerk

Presented by Representative Paul of Sanford.

Cosponsored by Representative Paradis of Augusta, Representative Rioux
of Biddeford and Representative Allen of Washington.

13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-SIX
17

18 AN ACT to Amend the Laws Relating to
19 Investigative Information of the State
20 Fire Marshal's Office.
21

22 Emergency preamble. Whereas, Acts of the Legis-
23 lature do not become effective until 90 days after
24 adjournment unless enacted as emergencies; and

25 Whereas, both the control of public access to and
26 the dissemination of written information, whenever
27 created, in the possession or control of law enforce-
28 ment units of the office of State Fire Marshal, is
29 inadequate; and

30 Whereas, this inadequacy constitutes a serious
31 threat both now and in the future to the ability of
32 criminal justice agencies to provide proper protec-
33 tion to persons, places and things; and

34 Whereas, such a treat is inimical to the para-
35 mount interests of the State; and

1 Whereas, in the judgment of the Legislature,
2 these facts create an emergency within the meaning of
3 the Constitution of Maine and require the following
4 legislation as immediately necessary for the preser-
5 vation of the public peace, health and safety; now,
6 therefore,

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

9 16 MRSA §614, sub-§1, as amended by PL 1983, c,
10 433, §2, is further amended to read:

11 1. Limitation on dissemination of intelligence
12 and investigative information. Reports or records in
13 the custody of a local, county or district criminal
14 justice agency, in the custody of the office of State
15 Fire Marshal or in the custody of the criminal law
16 enforcement units of the Department of Marine Re-
17 sources or the Department of Inland Fisheries and
18 Wildlife containing intelligence and investigative
19 information shall be confidential and shall not be
20 disseminated, if public release or inspection of the
21 report or record may:

22 A. Interfere with law enforcement proceedings;

23 B. Result in public dissemination of prejudicial
24 information concerning an accused person or con-
25 cerning the prosecution's evidence that will in-
26 terfere with the ability of a court to impanel an
27 impartial jury;

28 C. Result in public dissemination of information
29 about the private life of an individual in which
30 there is no legitimate public interest and which
31 would be offensive to a reasonable person;

32 D. Disclose the indentity of a confidential
33 source;

34 E. Disclose confidential information furnished
35 only by the confidential source;

36 F. Disclose investigative techniques and proce-
37 dures or security plans and procedures not gener-
38 ally known by the general public; or

1 G. Endanger the life or physical safety of law
2 enforcement personnel.

3 **Emergency clause.** In view of the emergency cited
4 in the preamble, this Act shall take effect when ap-
5 proved.

6 STATEMENT OF FACT

7 This bill makes clear that the dissemination of
8 intelligence and investigative information, in the
9 Maine Revised Statutes, Title 16, section 611, sub-
10 section 8, in the custody of the State Fire Marshal's
11 office, whenever created, is controlled by the limi-
12 tations provided for in the Maine Revised Statutes,
13 Title 16, section 614, subsection 1.

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