MAINE STATE LEGISLATURE

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1	L.D. 2528
2	(Filing No. H-543)
3 4 5 6	STATE OF MAINE HOUSE OF REPRESENTATIVES 113TH LEGISLATURE SECOND REGULAR SESSION
7 8 9 10	HOUSE AMENDMENT "A" to H.P. 1846, L.D. 2528, Bill, "AN ACT Relating to Exceptions to Prevent Escapes and Other Offenses under the Interception of Wire and Oral Communications Law."
11 12	Amend the bill in section 5 by striking out all of subsection 2 and inserting in its place the following:
13 14 15 16 17 18	'2. Investigative officers. It is not a violation of this chapter for an investigative officer, as defined in this chapter, to intercept, disclose or use that communication in the normal course of employment while engaged in any activity which is a necessary incident to the administration of criminal justice, if:
20 21 22 23 24 25	A. Either the sender or receiver of that communication is a person committed to the custody of the Department of Corrections under a term of imprisonment which is being served in a correctional facility administered by the department;
26 27 28 29	B. Notice of the possibility of interception is posted in a place and in a way sufficient to make that person aware of the possibility of interception; and

HOUSE AMENDMENT " $\hat{\mathcal{H}}$ " to H.P. 1846, L.D. 2528

1	C. Probable cause exists that a criminal offense
1 2 3 4	related to the security of a correctional facility
3	administered by the department has been, is in the
4	process of being or is about to be committed by a
5	party to the conversation.
6 7	(1) Prior to the interception, the grounds
7	for that probable cause shall be documented
8	in a sworn affidavit which shall be submitted
9	to a Judge of the District Court or Justice
10	of the Superior Court to determine if that
11	probable cause exists.
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12	(2) Prior authorization for the submission
13	to the Judge or Justice must be given by the
14	Commissioner of Corrections and the Attorney
15	General.

16	This subsection shall not authorize any interference
17	with the attorney-client privilege.'
18	Further amend the bill by striking out all of
	section 6.
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20	STATEMENT OF FACT
21	The purpose of this amendment is to narrow the
	scope of this bill to require the court to determine
23	the existence of probable cause.

Filed by Rep. Marsano of Belfast
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House
3/28/88 (Filing No. H-543)