

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1992

Legislative Document

No. 2383

S.P. 927

In Senate, February 27, 1992

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator GILL of Cumberland (GOVERNOR'S BILL).

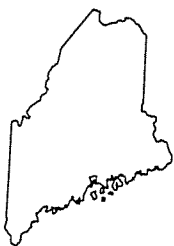
Cosponsored by Representative MANNING of Portland, Representative HANLEY of Paris and Senator BUSTIN of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-TWO

**An Act to Protect Intelligence and Investigative Information in the  
Custody of the Department of Corrections.**

(EMERGENCY)



2           **Emergency preamble.** Whereas, Acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
as emergencies; and

4  
6           Whereas, there is an omission in current law that may be  
interpreted to allow criminal justice intelligence and  
investigative records in the custody of the Department of  
8        Corrections to be examined or disseminated; and

10           Whereas, disclosure of these sensitive criminal justice  
records could endanger the life or safety of criminal justice  
12        personnel and the law must be clarified immediately to prevent  
such disclosure; and

14  
16           Whereas, in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
18        necessary for the preservation of the public peace, health and  
safety; now, therefore,

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

22           **Sec. 1. 16 MRSA §614, sub-§1,** as amended by PL 1985, c. 552,  
24        is further amended to read:

26           **1. Limitation on dissemination of intelligence and**  
**investigative information.** Reports or records in the custody of a  
28        local, county or district criminal justice agency, in the custody  
of the office of State Fire Marshal, in the custody of the  
30        Department of Corrections or in the custody of the criminal law  
enforcement units of the Department of Marine Resources or the  
32        Department of Inland Fisheries and Wildlife containing  
intelligence and investigative information shall---be are  
34        confidential and shall may not be disseminated, if public release  
or inspection of the report or record may:

36           A. Interfere with law enforcement proceedings;

38           B. Result in public dissemination of prejudicial  
40        information concerning an accused person or concerning the  
prosecution's evidence that will interfere with the ability  
42        of a court to impanel an impartial jury;

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

48           D. Disclose the identity of a confidential source;

50

2 E. Disclose confidential information furnished only by the  
confidential source;

4 F. Disclose investigative techniques and procedures or  
6 security plans and procedures not generally known by the  
general public; or

8 G. Endanger the life or physical safety of law enforcement  
10 personnel.

12 **Emergency clause.** In view of the emergency cited in the  
preamble, this Act takes effect when approved.

14 **STATEMENT OF FACT**

16 The Department of Corrections has many records in its  
18 custody that contain intelligence and investigative information  
that needs to be kept confidential for one or more of the reasons  
20 set out in the Maine Revised Statutes, Title 16, section 614.  
Other agencies that have records containing such information are  
22 covered by either this statutory provision or by a statutory  
provision specific to the agency. The Department of Corrections  
24 does not have a specific provision in the law that covers  
intelligence and investigative information. This bill corrects  
26 that oversight to include the Department of Corrections in Title  
16.