

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

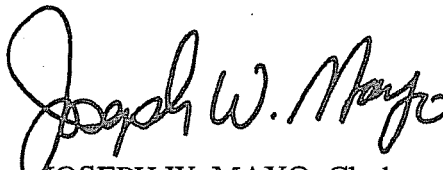
No. 240

H.P. 188

House of Representatives, February 1, 1993

**An Act to Change the Statutory Provisions Applying to the
Dissemination of the Records and Reports Maintained by the State
Police.**

Reference to the Committee on Judiciary suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative CLUKEY of Houlton.
Cosponsored by Representatives: CARROLL of Gray, DEXTER of Kingfield, DONNELLY of
Presque Isle, JOY of Island Falls, Senator: LUDWIG of Aroostook.

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

2
4 **Sec. 1. 16 MRSA §614, sub-§1**, as amended by PL 1991, c. 729, §3, is further amended to read:

6 **1. Limitation on dissemination of intelligence and**
8 **investigative information.** Reports or records in the custody of a
10 local, county or district criminal justice agency, in the custody
12 of the ~~office~~ Bureau of the State Police or the Office of State
14 Fire Marshal, in the custody of the Department of Corrections or
16 in the custody of the criminal law enforcement units of the
Department of Marine Resources or the Department of Inland
Fisheries and Wildlife containing intelligence and investigative
information are confidential and may not be disseminated, if
there is a reasonable possibility that public release or
inspection of the report or record would:

18 A. Interfere with law enforcement proceedings;

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

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

30 D. Disclose the identity of a confidential source;

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

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

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

42 **Sec. 2. 16 MRSA §621**, as enacted by PL 1979, c. 433, §2, is
44 amended to read:

46 **§621. Information and records of the Attorney General**

48 Nothing in this subchapter shall---require requires
50 dissemination of information or records of the Attorney General,
~~State-Police-or-Bureau-of-Identification~~ that are declared to be
confidential under Title 5, section 200-D ~~or Title 25, section~~
1631.

2 **Sec. 3. 25 MRSA §1631**, as amended by PL 1991, c. 729, §§4 and
4 5, is repealed.

6
8 **STATEMENT OF FACT**

10 Currently, there is a specific law governing the records and
12 reports of the Bureau of State Police that makes all of the
14 bureau's records and reports, except certain stated ones,
16 confidential. There is also a general law that covers
confidentiality of law enforcement records and reports. This
bill repeals the law that is specific to the State Police and
brings its reports and records under the general law.