

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1250

H.P. 907

House of Representatives, February 25, 1997

An Act to Protect Private Communication.

Reference to the Committee on Criminal Justice suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative VEDRAL of Buxton.
Cosponsored by Representatives: BRAGDON of Bangor, CARLETON of Wells, JOY of
Crystal, MERES of Norridgewock, POWERS of Rockport.

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

Sec. 1. 17-A MRSA §511, as enacted by PL 1975, c. 499, §1, is amended to read:

§511. Violation of privacy

1. A person is guilty of violation of privacy if, except in the execution of a public duty or as authorized by law, he the person intentionally:

A. Commits a civil trespass on property with the intent to overhear or observe any person in a private place; or

B. Installs or uses in a private place without the consent of the person or persons entitled to privacy therein, any device for observing, photographing, recording, amplifying or broadcasting sounds or events in that place; or

C. Installs or uses outside a private place without the consent of the person or persons entitled to privacy therein, any device for hearing, recording, amplifying or broadcasting sounds originating in that place which that would not ordinarily be audible or comprehensible outside that place; or

D. Without the consent of the person or persons entitled to privacy in the communications, listens to or records communications taking place over an electronic link.

2. As used in this section "private place" means a place where one may reasonably expect to be safe from surveillance but does not include a place to which the public or a substantial group has access. As used in this section, "electronic link" means any electronic communications cable, line, radio signal or other means or device over which or through which a person is communicating or intending to communicate with or receive communications from another person or a discrete group of persons and that the person may reasonably expect to be safe from surveillance.

3. Violation of privacy is a Class D crime.

SUMMARY

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This bill clarifies that private electronic communications are protected against surveillance unless the person or persons entitled to privacy in the communications consent or unless the person conducting the surveillance is doing so in the execution of a public duty in accordance with law.