

MAINE STATE LEGISLATURE

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The title given on the following legislative document is incorrect. The correct title should be:

An Act to Criminalize Unpermitted Visual Surveillance under the Clothing of a Person in a Public Place by Mechanical or Electronic Equipment.



118th MAINE LEGISLATURE

FIRST SPECIAL SESSION-1997

Legislative Document

No. 1892

S.P. 664

In Senate, May 27, 1997

An Act to Criminalize Certain Photographing of Children under the Clothing of a Person in a Public Place by Mechanical or Electronic Equipment.

(NEW DRAFT OF S.P. 38, L.D. 36)

(NEW TITLE)

Reported by Senator Murray from the Committee on Criminal Justice and printed under Joint Rule 310.4.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Original bill sponsored by Senator Small of Sagadahoc.
Cosponsored by Representative PEAHEY of Woolwich and
Senators: HARRIMAN of Cumberland, MITCHELL of Penobscot, Representative:
McALEVEY of Waterboro.

2 filed in the court system can be absorbed within the budgeted
resources of the Judicial Department. The collection of
4 additional fines may also increase General Fund revenue by minor
amounts.

6

8 SUMMARY

10 This bill is a new draft of L.D. 36. It establishes that a
person is guilty of a violation of privacy if that person engages
12 in visual surveillance in a public place by means of mechanical
or electronic equipment with the intent to observe or photograph,
14 record, amplify or broadcast an image of any portion of the body
of another person present in that place when that portion of the
body is concealed from public view under clothing and a
16 reasonable person would expect it to be safe from surveillance.
It forbids, for example, a person in a public place like a store
18 from placing a video camera below the hemline of another person's
skirt or kilt, aimed so as to record what it observes within the
20 zone of privacy created by that skirt or kilt.

22 The bill provides a defense to prosecution if the person
subject to surveillance has in fact attained 14 years of age and
24 has consented to the surveillance. In order to protect young
children, consent is not a defense when the other person is under
26 14 years of age.