

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

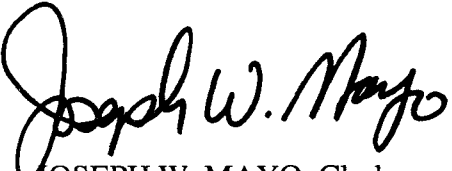
No. 1044

H.P. 754

House of Representatives, February 9, 1999

**An Act to Require Notification by Law Enforcement Officers Before
Tape-recording Certain Conversations.**

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


JOSEPH W. MAYO, Clerk

Presented by Representative TRACY of Rome.

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

2 **Sec. 1. 15 MRSA §709, sub-§4**, as amended by PL 1979, c. 701,
4 §11, is further amended to read:

6 **4. Intercept.** "Intercept" means to hear, record or aid
8 another to hear or record the contents of any a wire or oral
communication through the use of any an intercepting device by
any a person other than:

10 **A.** The sender or receiver of that communication, except
12 that if the receiver is a law enforcement officer who is not
14 performing duties undercover and the sender knows that the
16 receiver is a law enforcement officer and the sender is
under investigation, both the sender and the receiver must
agree to the interception of their communication;

18 **B.** A person within the range of normal unaided hearing or
20 subnormal hearing corrected to not better than normal; or

22 **C.** A person given prior authority by the sender or
24 receiver, except that if the receiver is a law enforcement
26 officer who is not performing duties undercover and the
sender knows that the receiver is a law enforcement officer
and the sender is under investigation, that person must be
given prior authority by both the sender and the receiver.

28 **SUMMARY**

30 This bill amends the law regarding interception of wire and
32 oral communications by requiring both a law enforcement officer
34 and the person with whom the law enforcement officer is
communicating to agree to the recording of their communication.
36 Both the law enforcement officer and the other person also have
to agree to allow another party to listen to their recorded
38 communication. These requirements do not apply when the law
enforcement officer is working undercover.