



119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1610

S.P. 548

In Senate, March 2, 1999

An Act to Require Prior Agreement by Both the Sender and the Receiver for a Recording to Take Place.

Reference to the Committee on Judiciary suggested and ordered printed.

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JOY J. O'BRIEN Secretary of the Senate

Presented by Senator LONGLEY of Waldo. Cosponsored by Representatives: MITCHELL of Vassalboro, NORBERT of Portland.

_	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 another to hear or record the contents of any <u>a</u> wire or oral
8	communication through the use of any an intercepting device by
10	any <u>a</u> person other than:
12	A. The sender or receiver of that communication <u>, if the</u> sender and the receiver both agree to the interception of their communication, except that if the receiver is a law
14	enforcement officer performing official duties or an employee of the Department of Human Services investigating
16	an abuse and neglect case pursuant to Title 22, section 4004, subsection 2, the sender need not agree to the
18	interception of their communication;
20	B. A person within the range of normal unaided hearing or subnormal hearing corrected to not better than normal; or
22	C. A person given prior authority by both the sender of and
24	the receiver, except that if the receiver is a law enforcement officer performing official duties or an
26	employee of the Department of Human Services investigating an abuse and neglect case pursuant to Title 22, section
28	4004, subsection 2, the sender need not agree to the interception of their communication.
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32	SUMMARY
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36	This bill amends law regarding interception of wire and oral communications by requiring both the sender and the receiver to
38	agree to the recording of their communication. This requirement does not apply if the receiver is a law enforcement officer
40	performing official duties or an employee of the Department of Human Services investigating an abuse and neglect case.