

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1598

H.P. 1172

House of Representatives, May 5, 2003

An Act To Ensure Access to Intelligence and Investigative Information

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MILLS of Farmington.
Cosponsored by Representatives: BUNKER of Kossuth Township, MILLS of Cornville,
NORBERT of Portland, Senator: PENDLETON of Cumberland.

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

4 **Sec. 1. 16 MRSA §614, sub-§3, ¶¶B and C,** as enacted by PL 2001,
c. 532, §2, are amended to read:

6 B. A state agency responsible for investigating abuse,
neglect or exploitation of children under Title 22, chapter
8 1071 or incapacitated or dependent adults under Title 22,
chapter 958-A for use in the investigation of suspected
10 abuse, neglect or exploitation; ~~or~~

12 C. An accused person or that person's agent or attorney if
authorized by:

14 (1) The district attorney for the district in which
16 that accused person is to be tried;

18 (2) A rule or ruling of a court of this State or of
the United States; or

20 (3) The Attorney General; or

22 **Sec. 2. 16 MRSA §614, sub-§3, ¶D** is enacted to read:

24 D. A victim or a victim's attorney, at the victim's
26 request, unless the disclosure will result in irreparable
28 harm to an individual or an investigation or is otherwise
30 prohibited by law, in which case as much information as
32 possible must be provided to the victim without resulting in
34 such harm or violating the law. Whenever a victim's request
36 is denied, in whole or in part, the victim must be notified
in writing of the reason for the denial. Upon denial, the
victim may petition the court for access to the
information. For the purposes of this section, "a victim"
includes a person who is injured in a motor vehicle accident.

38 **Sec. 3. 16 MRSA §614, sub-§4** is enacted to read:

40 4. Preservation of records. All records and reports,
42 including notes, containing investigative information must be
retained by the investigating agency for a period of 6 years.

44 **SUMMARY**

46 This bill specifies that, upon request, intelligence and
48 investigative information, including police reports, must be
disclosed to a victim of a crime or a person injured in a car
50 accident. This bill also requires investigating agencies to
retain their records and reports for 6 years.