

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1183

H.P. 864

House of Representatives, March 7, 2007

An Act To Clarify Public Safety Laws Regarding the Disclosure of Information and the Storage of Evidence, To Reauthorize the United States Secret Service To Enforce Certain State Laws and To Allow Designees To Serve on the Maine Communications System Policy Board

Submitted by the Department of Public Safety pursuant to Joint Rule 204.
Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative GERZOFKY of Brunswick.
Cosponsored by Representatives: HANLEY of Gardiner, SYKES of Harrison, TIBBETTS of Columbia.

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

2 **Sec. 1. 25 MRSA §1502-A, sub-§1**, as amended by PL 2001, c. 602, §1, is
3 further amended to read:

4 **1. Definition.** For purposes of this section, "federal officers" means the following
5 persons who are authorized to carry firearms in the performance of their duties as federal
6 law enforcement employees or officers:

7 ~~A. Special Agents of the Immigration and Naturalization Service of the Department~~
8 ~~of Justice;~~

9 ~~B. Immigration Inspectors, including Deportation Officers and Immigration~~
10 ~~Examiners when acting in the capacity of Immigration Inspectors of the Immigration~~
11 ~~and Naturalization Service of the Department of Justice;~~

12 ~~C. Border Patrol Agents of the Immigration and Naturalization Service of the~~
13 ~~Department of Justice;~~

14 ~~D. Officers of the United States Customs Service of the Department of the Treasury;~~
15 ~~and~~

16 E. Any of the officers listed in this subsection who are assigned to or are acting in
17 concert with a task force, but only if that task force meets the following requirements:

18 (1) The task force is a task force of the Maine Drug Enforcement Agency
19 authorized under this Title; or

20 (2) The task force is a joint federal-state task force operating primarily within the
21 territorial boundaries of this State and:

22 (a) An arrest is part of or related to an investigation of that federal-state task
23 force; or

24 (b) An arrest occurs in a prosecutorial district and either:

25 (i) The district attorney of that district or the district attorney's written
26 designee actively participates in and oversees the activities of the task
27 force; or

28 (ii) The arrest occurs anywhere within the State and the Attorney
29 General or the Attorney General's written designee actively participates
30 in and oversees the activities of the task force;

31 F. Special Agents of the United States Secret Service of the Department of
32 Homeland Security.

33 This paragraph is repealed July 1, 2009; and

34 G. An officer of an agency of the Department of Homeland Security that has
35 administrative and enforcement jurisdiction over immigration, customs or border
36 security matters.

37 This paragraph is repealed July 1, 2009.

1 Federal officers are law enforcement officers for the purposes of Title 17-A, section 2,
2 subsection 17.

3 **Sec. 2. 25 MRSA §1502-A, sub-§5, ¶B-1**, as enacted by PL 2001, c. 602, §3 and
4 affected by §4, is further amended to read:

5 B-1. ~~The Immigration and Naturalization Service of the Department of Justice and~~
6 ~~the United States Customs Service of the Department of the Treasury~~ federal
7 agencies of the Department of Homeland Security shall develop policies governing
8 their employees, including training policies.

9 **Sec. 3. 25 MRSA §1531, sub-§2, ¶A**, as enacted by PL 2003, c. 678, §2, is
10 amended to read:

11 A. The Commissioner of Public Safety, ex officio, or the commissioner's designee;

12 **Sec. 4. 25 MRSA §1531, sub-§2, ¶B**, as enacted by PL 2003, c. 678, §2, is
13 amended to read:

14 B. The Chief of the State Police, ex officio, or the chief's designee;

15 **Sec. 5. 25 MRSA §1531, sub-§2, ¶C**, as enacted by PL 2003, c. 678, §2, is
16 amended to read:

17 C. The Chief Information Officer within the Department of Administrative and
18 Financial Services, ex officio, or the Chief Information Officer's designee;

19 **Sec. 6. 25 MRSA §2929, sub-§6**, as enacted by PL 1997, c. 291, §3, is amended
20 to read:

21 **6. Penalty for disseminating information.** ~~Disclosing~~ Knowingly disclosing
22 confidential information in violation of subsection 2 or knowingly disclosing audio
23 recordings of emergency calls to the E-9-1-1 system in violation of subsection 4 is a
24 Class E crime.

25 **Sec. 7. 25 MRSA §3821, first ¶**, as enacted by PL 1999, c. 719, §4 and affected
26 by §11, is amended to read:

27 If an alleged victim of gross sexual assault has a forensic examination and has not
28 reported the alleged offense to a law enforcement agency when the examination is
29 complete, the licensed hospital or licensed health care practitioner that completed the
30 forensic examination shall notify the nearest law enforcement agency. That law
31 enforcement agency shall transport the completed kit, identified only by a tracking
32 number assigned by the hospital or health care practitioner, to its evidence storage
33 facility. The law enforcement agency shall store the kit for at least 90 days from the time
34 of receipt. If during that 90-day period the alleged victim reports the offense to a law
35 enforcement agency, the agency storing the kit shall ~~transport the kit to the Maine State~~
36 ~~Police Crime Laboratory~~ continue to store the kit at its evidence storage facility.

1 **SUMMARY**

2 This bill:

3 1. Establishes the state of mind that must accompany the disclosure of confidential
4 information regarding E-9-1-1 calls or recordings in order for such disclosure to be a
5 crime;

6 2. Makes the law regarding the place at which forensic examination kits are to be
7 stored reflective of and consistent with actual storage practices;

8 3. Updates references to federal agencies to reflect their placement into the
9 Department of Homeland Security;

10 4. Renews until July 1, 2009 the authority previously granted to the United States
11 Secret Service of the Department of Homeland Security to enforce laws of the State. The
12 authority previously granted to that agency was repealed on July 1, 2004; and

13 5. Authorizes a designee of the Commissioner of Public Safety, a designee of the
14 Chief of the State Police and a designee of the Chief Information Officer to serve in place
15 of the commissioner, chief or Chief Information Officer, respectively, on the Maine
16 Communications System Policy Board.