

# 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)

DMG  
11/13

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

**MAJORITY**

L.D. 236

Date: 10/11/2013

(Filing No. S-281)

**JUDICIARY**

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE**

**SENATE**

**126TH LEGISLATURE**

**FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 72, L.D. 236, Bill, "An Act To Protect the Privacy of Citizens from Domestic Unmanned Aerial Vehicle Use"

Amend the bill by striking out the title and substituting the following:

**'An Act To Regulate Domestic Unmanned Aerial Vehicle Use'**

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

**'Sec. 1. 25 MRSA Pt. 12** is enacted to read:

**PART 12**

**UNMANNED AERIAL VEHICLES**

**CHAPTER 551**

**REGULATION OF UNMANNED AERIAL VEHICLES**

**§4501. Regulation of unmanned aerial vehicles**

**1. Findings.** The Legislature finds that evolving technology regarding unmanned aerial vehicles presents a real benefit for security, for search and rescue efforts and for disaster prevention and relief, as well as a tool for the investigation of serious crimes, but the technology also presents a potential threat to the privacy of citizens of this State if used by law enforcement in the conduct of criminal investigations without appropriate guidelines and supervision.

**2. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Law enforcement agency" has the same meaning as in section 3701, subsection 1.

**COMMITTEE AMENDMENT**

R. 03.

1            B. "Unmanned aerial vehicle" means an aircraft operated without a physical human  
2            presence within or on the aircraft that, in the manner in which the aircraft is used or  
3            the manner in which it is equipped, is capable of performing audio or visual  
4            surveillance.

5            **3. Acquisition of unmanned aerial vehicles.** The acquisition of an unmanned aerial  
6            vehicle by a law enforcement agency must be approved by the governing body of the  
7            governmental unit overseeing the law enforcement agency seeking to make such an  
8            acquisition or, in the case of a state agency, by the commissioner of that agency.

9            **4. Law enforcement agency operation of unmanned aerial vehicles.** A law  
10           enforcement agency's operation of an unmanned aerial vehicle must fully comply with all  
11           Federal Aviation Administration requirements and guidelines, including the acquisition of  
12           a certificate of authorization or waiver from the Federal Aviation Administration.

13           **5. Prohibited and authorized uses.** Use of an unmanned aerial vehicle by a law  
14           enforcement agency is governed by this subsection.

15           A. Before July 1, 2014, a law enforcement agency may not use an unmanned aerial  
16           vehicle.

17           B. On or after July 1, 2014, a law enforcement agency may not use an unmanned  
18           aerial vehicle before adopting standards in accordance with subsection 6.

19           C. A law enforcement agency may not use or facilitate the use of a weaponized  
20           unmanned aerial vehicle.

21           D. A law enforcement agency may not use an unmanned aerial vehicle to conduct  
22           surveillance on private citizens peacefully exercising their constitutional right of free  
23           speech and assembly.

24           E. Notwithstanding paragraphs A and B, a law enforcement agency may use an  
25           unmanned aerial vehicle for the purpose of an emergency search or rescue operation  
26           when the law enforcement agency determines that use of an unmanned aerial vehicle  
27           is necessary to alleviate an immediate danger to any person, or for training exercises  
28           related to such uses. The determination that an emergency exists must be approved  
29           by the chief administrative officer of the law enforcement agency, or the designee of  
30           the chief administrative officer, or the Governor.

31           F. Notwithstanding paragraphs A and B, a law enforcement agency may use an  
32           unmanned aerial vehicle for purposes other than the investigation of crime, including,  
33           but not limited to, damage assessment, traffic accident assessment, flood stage  
34           assessment and wildfire assessment.

35           **6. Policy standards.** The board, in consultation with the Office of the Attorney  
36           General, shall establish standards for written policies or protocols for use of unmanned  
37           aerial vehicles by law enforcement agencies. The standards must include at a minimum:

38           A. Training and certification requirements for a person operating an unmanned aerial  
39           vehicle;

40           B. Requirements for prior authorization for the use of an unmanned aerial vehicle by  
41           the chief administrative officer of the law enforcement agency seeking to use such a  
42           vehicle;

# COMMITTEE AMENDMENT

2013

- 1            C. Approval by the Attorney General or chief prosecuting attorney for the
- 2            appropriate jurisdiction for the deployment of an unmanned aerial vehicle for
- 3            criminal investigation purposes;
- 4            D. Restrictions on the use of night vision technology, high-powered zoom lenses,
- 5            video analytics, facial recognition technology, thermal imaging and other such
- 6            enhancement and analytic technology;
- 7            E. Recommended minimum altitudes and speeds at which an unmanned aerial
- 8            vehicle may be flown in order to minimize the invasion of privacy of 3rd parties who
- 9            are not under investigation;
- 10           F. Procedures to minimize intrusions into the private space of 3rd parties;
- 11           G. Procedures to minimize the inadvertent audio or visual recording of private
- 12           spaces of 3rd parties;
- 13           H. Procedures for destroying any unnecessary audio or visual recordings without
- 14           further duplication or dissemination;
- 15           I. Methods for tracking and recording the flight of each unmanned aerial vehicle;
- 16           J. Methods to minimize the number of unmanned aerial vehicles deployed at any one
- 17           time in any one area or at any one event;
- 18           K. Procedures to avoid hazards to persons and property on land and in the air due to
- 19           the operation of unmanned aerial vehicles;
- 20           L. Requirements for documenting the flight, location, purpose and result of the
- 21           deployment of an unmanned aerial vehicle;
- 22           M. Requirements for regular statistical reporting of all uses of unmanned aerial
- 23           vehicles, including the purposes, the results and the duration of such uses, to the
- 24           appropriate governmental bodies; and
- 25           N. Accountability of a law enforcement agency for any mistake in deployment or
- 26           misuse of an unmanned aerial vehicle, including sanctions as provided in section
- 27           2803-C or section 2806, as applicable.

28           **Sec. 2. Standards, data collection, report; legislation.** In developing  
 29           minimum standards for written policies or protocols for use of unmanned aerial vehicles  
 30           by law enforcement agencies as required in the Maine Revised Statutes, Title 25, section  
 31           2803-D, subsection 6, the Board of Trustees of the Maine Criminal Justice Academy shall  
 32           take into account individuals' reasonable expectation of privacy under the Fourth  
 33           Amendment of the United States Constitution. The board of trustees shall review the  
 34           options for collecting and reporting information on the use of unmanned aerial vehicles.  
 35           The board of trustees shall report to the Joint Standing Committee on Judiciary by  
 36           December 31, 2013 the following:

- 37           1. Minimum standards for written policies or protocols for use of unmanned aerial
- 38           vehicles by law enforcement agencies;
- 39           2. Recommendations to ensure that individuals' reasonable expectation of privacy is
- 40           protected; and

# COMMITTEE AMENDMENT

R. 43.

1 3. Recommendations for the appropriate collection and reporting of information on  
2 the use of unmanned aerial vehicles.

3 The Joint Standing Committee on Judiciary may report out legislation to the Second  
4 Regular Session of the 126th Legislature upon receipt of the report.'

5 **SUMMARY**

6 This amendment is the majority report of the Joint Standing Committee on Judiciary.  
7 It replaces the bill.

8 This amendment includes a legislative findings subsection to recognize the potential  
9 benefits and risks of the evolving technology of unmanned aerial vehicles.

10 This amendment defines "unmanned aerial vehicle" to include the capability of  
11 performing audio and visual surveillance. It requires the governing body of the law  
12 enforcement agency to approve of the acquisition of an unmanned aerial vehicle by the  
13 law enforcement agency. It requires that a law enforcement agency must comply with  
14 Federal Aviation Administration requirements when operating an unmanned aerial  
15 vehicle.

16 This amendment creates a moratorium on the use of unmanned aerial vehicles by law  
17 enforcement agencies until July 1, 2014. On or after July 1, 2014, a law enforcement  
18 agency may operate an unmanned aerial vehicle only after it has adopted the standards  
19 established by the Board of Trustees of the Maine Criminal Justice Academy. There is an  
20 exception for the use of an unmanned aerial vehicle in emergency search or rescue  
21 operations when the Governor or the chief administrative officer of a law enforcement  
22 agency or the chief administrative officer's designee determines that the use is necessary  
23 to alleviate immediate danger to any person. Unmanned aerial vehicles can be used as  
24 part of training exercises to prepare for such emergencies. In addition, a law enforcement  
25 agency may use unmanned aerial vehicles for purposes other than the investigation of  
26 crimes, such as damage assessment, traffic accident assessment, flood stage assessment  
27 and wildfire assessment.

28 This amendment prohibits a law enforcement agency from using a weaponized  
29 unmanned aerial vehicle.

30 This amendment requires the Board of Trustees of the Maine Criminal Justice  
31 Academy to establish minimum standards for written policies and protocols for use of  
32 unmanned aerial vehicles. In developing the standards, the board of trustees is directed to  
33 take into account individuals' reasonable expectation of privacy under the Fourth  
34 Amendment of the United States Constitution. The board of trustees shall also review the  
35 options for collecting and reporting information on the use of unmanned aerial vehicles.  
36 The board of trustees is required to report to the Joint Standing Committee on Judiciary  
37 by December 31, 2013 concerning the minimum standards for written policies or  
38 protocols for use of unmanned aerial vehicles by law enforcement agencies,  
39 recommendations to ensure that individuals' reasonable expectation of privacy is  
40 protected and recommendations for the appropriate collection and reporting of  
41 information on the use of unmanned aerial vehicles.

R. S.

COMMITTEE AMENDMENT "A" to S.P. 72, L.D. 236

1 The Joint Standing Committee on Judiciary is authorized to report out legislation to  
2 the Second Regular Session of the 126th Legislature upon receipt of the report.

3 **FISCAL NOTE REQUIRED**  
4 **(See attached)**

**COMMITTEE AMENDMENT**



# 126th MAINE LEGISLATURE

LD 236

LR 19(02)

**An Act To Protect the Privacy of Citizens from Domestic Unmanned Aerial Vehicle Use**

**Fiscal Note for Bill as Amended by Committee Amendment "A" (S-281)**  
**Committee: Judiciary**  
**Fiscal Note Required: Yes**

---

## Fiscal Note

Minor cost increase - General Fund  
Minor cost increase - Other Special Revenue Funds

### Fiscal Detail and Notes

The additional costs to the Departments of the Attorney General and Public Safety are expected to be minor and can be absorbed utilizing existing budgeted resources.