

MAINE STATE LEGISLATURE

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MAJORITY

L.D. 1040

Date: 6/10/2013

(Filing No. S-2600)

JUDICIARY

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**STATE OF MAINE
SENATE
126TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 354, L.D. 1040, Bill, "An Act To Prohibit the Placement of Cameras and Electronic Surveillance Equipment on Private Property without the Written Permission of the Landowner"

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

'Sec. 1. 33 MRSA c. 43 is enacted to read:

CHAPTER 43

PLACEMENT OF EQUIPMENT ON PRIVATE PROPERTY

§2001. Placement of cameras and electronic surveillance equipment on private property

1. Prohibition. A person may not place a camera or electronic surveillance equipment that records images or data of any kind while unattended outside on the private property of another without the written consent of the landowner except:

A. Pursuant to a warrant; or

B. That, while operating within the open fields doctrine, a law enforcement officer may place a camera or electronic surveillance equipment if the law enforcement officer has a reasonable and articulable suspicion that the following has occurred, is occurring or is about to occur:

(1) Criminal conduct; or

(2) A violation of Title 17, chapter 79 or 80.

A law enforcement officer placing a camera or electronic surveillance equipment under this paragraph shall document facts giving rise to the reasonable and articulable suspicion and the date, time and location of the placement of the camera or electronic surveillance equipment.

COMMITTEE AMENDMENT

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1 **2. Labeling.** A person who places a camera or electronic surveillance equipment
2 described in subsection 1 on the private property of another with the written consent of
3 the landowner or in compliance with subsection 1, paragraph A or B shall label the
4 camera or electronic surveillance equipment with that person's name and contact
5 information.

6 **3. Remove or disable.** A landowner may remove or disable a camera or electronic
7 surveillance equipment placed on the landowner's private property in violation of this
8 section.

9 **4. Exceptions.** This section does not prohibit the following:

10 **A.** The use of a camera to deter theft or vandalism of a motor vehicle when the motor
11 vehicle is temporarily parked; or

12 **B.** The use of implanted or attached electronic devices to identify, monitor and track
13 animals.

14 **5. Penalty.** A person who violates this section commits a civil violation for which a
15 fine of not more than \$500 may be adjudged.'

SUMMARY

16
17 This amendment is the majority report of the Joint Standing Committee on Judiciary.
18 It allows the placement of a camera or electronic surveillance equipment on the private
19 property of another person only if the landowner has given written consent, the placement
20 is pursuant to a warrant or, while operating under the open fields doctrine as developed
21 through Fourth Amendment case law, a law enforcement officer has a reasonable and
22 articulable suspicion that a crime or a civil violation related to littering has occurred, is
23 occurring or is about to occur. When a camera or electronic surveillance equipment is
24 placed based on a reasonable and articulable suspicion, the law enforcement officer must
25 document the facts giving rise to the reasonable and articulable suspicion as well as the
26 time, date and location of the placement of the camera or electronic surveillance
27 equipment. It requires that a person who places a camera or electronic surveillance
28 equipment must label the camera or electronic surveillance equipment with the person's
29 name and contact information.

30 The landowner may remove or disable a camera or electronic surveillance equipment
31 that was placed without written consent, without a warrant or without a documented
32 reasonable and articulable suspicion or that is not labeled.

33 This amendment creates exceptions for the use of cameras to deter theft or vandalism
34 of motor vehicles when the motor vehicles are temporarily parked and electronic devices
35 that are implanted or attached to animals to identify, monitor and track them.

36 The bill establishes a civil violation for which a fine of \$100 a day for each day of the
37 violation may be adjudged. This amendment keeps the civil violation, but limits the total
38 fine to not more than \$500 for a violation.

FISCAL NOTE REQUIRED

(See attached)



Approved: 05/29/13 *MAC*

126th MAINE LEGISLATURE

LD 1040

LR 712(03)

An Act To Prohibit the Placement of Cameras and Electronic Surveillance Equipment on Private Property without the Written Permission of the Landowner

Fiscal Note for Bill as Amended by Committee Amendment 'A' (S-2600)

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Increases the number of civil violations.

The collection of additional fines may also increase General Fund revenue by minor amounts.