

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2014

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Legislative Document

No. 1656

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S.P. 649

In Senate, December 23, 2013

### An Act To Increase Safety for Victims of Domestic Violence

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 23, 2013. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator CAIN of Penobscot.  
Cosponsored by Representative HERBIG of Belfast and  
Senators: President ALFOND of Cumberland, CRAVEN of Androscoggin, FLOOD of  
Kennebec, GERZOFKY of Cumberland, JACKSON of Aroostook, MILLETT of  
Cumberland, VALENTINO of York, Representative: FREDETTE of Newport.

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

2 **Sec. 1. 5 MRSA §90-B, sub-§§4 to 6**, as enacted by PL 2001, c. 539, §1, are  
3 amended to read:

4 **4. Use of designated address.** Upon demonstration of a program participant's  
5 certification in the program, state and local agencies and the courts shall accept and use  
6 only the designated address as a program participant's address ~~when creating a new public~~  
7 ~~record~~ unless the secretary has determined that:

8 A. The agency has a bona fide statutory or administrative requirement for the use of  
9 the program participant's address or mailing address, such that it is unable to fulfill its  
10 statutory duties and obligations without the residential address; and

11 B. The program participant's address or mailing address will be used only for those  
12 statutory and administrative purposes.

13 **5. Disclosure to law enforcement and state agencies.** If the secretary determines  
14 appropriate, the secretary may make a program participant's address or mailing address  
15 available for ~~inspection or copying~~, use under the following circumstances:

16 A. If requested of the secretary by a law enforcement agency in the manner provided  
17 for by rule; or

18 B. Upon request to the secretary by a commissioner of a state agency or the  
19 commissioner's designee in the manner provided for by rule and upon a showing of a  
20 bona fide statutory or administrative requirement for the use of the program  
21 participant's address or mailing address, such that the commissioner or the  
22 commissioner's designee is unable to fulfill statutory duties and obligations without  
23 the address or mailing address.

24 **6. Disclosure pursuant to court order or canceled certification.** If the secretary  
25 determines appropriate, the secretary shall ~~make~~ allow a program participant's address  
26 and mailing address to be made available for ~~inspection or copying~~ use under the  
27 following circumstances:

28 A. To a person identified in a court order, upon the secretary's receipt of that court  
29 order that specifically orders the disclosure of a particular program participant's  
30 address and mailing address and the reasons stated for the disclosure; or

31 B. If the certification has been canceled because the applicant or program participant  
32 violated subsection 2, paragraph E, subparagraph (1).

33 **Sec. 2. 15 MRSA §1094-B** is enacted to read:

34 **§1094-B. Improper contact prior to the setting of bail**

35 A person is guilty of improper contact prior to the setting of bail if, while being  
36 detained as a result of the person's arrest for an offense specified in section 1023,  
37 subsection 4, paragraph B-1 and prior to the setting of preconviction bail by a justice or  
38 judge, the person intentionally or knowingly makes direct or indirect contact with the  
39 victim of the alleged crime. Violation of this section is a Class D crime.



1 must use the information solely for the purpose of planning for the safety of a victim of  
2 domestic violence and is prohibited from further disseminating the information.

3 This bill also clarifies that once a person is certified as a participant in the Address  
4 Confidentiality Program that person's actual residential street, school or work address or  
5 United States Postal Service address may not be used or disclosed by any state or local  
6 agency or the courts unless such use or disclosure is approved by the Secretary of State  
7 under the circumstances set forth in the program.