

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 531

S.P. 200

In Senate, February 26, 2015

### An Act To Establish the Maine Fourth Amendment Protection Act

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Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in black ink, reading 'Heather J.R. Priest'.

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator BRAKEY of Androscoggin.  
Cosponsored by Representative GUERIN of Glenburn and  
Senators: DAVIS of Piscataquis, PATRICK of Oxford, Representatives: BATES of  
Westbrook, CHIPMAN of Portland, RUSSELL of Portland, SIROCKI of Scarborough.

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

2 **Sec. 1. 15 MRSA c. 100-A** is enacted to read:

3 **CHAPTER 100-A**

4 **MAINE FOURTH AMENDMENT PROTECTION ACT**

5 **§671. Short title**

6 This chapter may be known and cited as "the Maine Fourth Amendment Protection  
7 Act."

8 **§672. Prohibition on assistance to federal agencies engaged in collection of**  
9 **electronic data or metadata**

10 The State and its political subdivisions may not assist, participate with or provide  
11 material support or resources to enable or facilitate a federal agency in the collection or  
12 use of a person's electronic data or metadata without:

13 **1. Informed consent.** That person's informed consent;

14 **2. Warrant.** A warrant based upon probable cause that particularly describes the  
15 person, place or thing to be searched or seized; or

16 **3. Legally recognized exception.** Acting in accordance with a legally recognized  
17 exception to the warrant requirements.

18 **SUMMARY**

19 This bill prohibits the State and its political subdivisions from assisting, participating  
20 with or providing material support or resources to enable or facilitate a federal agency in  
21 the collection or use of a person's electronic data or metadata without the person's  
22 informed consent, without a warrant based upon probable cause that particularly  
23 describes the person, place or thing to be searched or seized or without acting in  
24 accordance with a legally recognized exception to the warrant requirements.