

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2016

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Legislative Document

No. 1487

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H.P. 1010

House of Representatives, December 23, 2015

**An Act To Amend the Laws on Protection from Abuse and  
Unauthorized Dissemination of Certain Private Images**

(EMERGENCY)

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

Received by the Clerk of the House on December 21, 2015. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative FOWLE of Vassalboro.  
Cosponsored by Senator DIAMOND of Cumberland and  
Representatives: FREDETTE of Newport, LAJOIE of Lewiston, MAKER of Calais,  
McCLELLAN of Raymond, PIERCE of Falmouth, SAUCIER of Presque Isle, VACHON of  
Scarborough, Senator: ROSEN of Hancock.

1           **Emergency preamble. Whereas,** acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3           **Whereas,** Public Law 2015, chapter 339 enacted laws regarding the new crime of  
4 unauthorized dissemination of certain private images, to address activity known  
5 informally as revenge pornography, effective October 15, 2015; and

6           **Whereas,** Public Law 2015, chapter 339 included coordination with some but not all  
7 related sections of the laws on protection from abuse; and

8           **Whereas,** Public Law 2015, chapter 339 did not include provisions to seal in court  
9 records unauthorized private images and written information describing and directly  
10 pertaining to the images; and

11           **Whereas,** full coordination with the related sections of the protection from abuse  
12 laws and enactment of provisions to seal certain images and information in court records  
13 are immediately necessary for the effective implementation of Public Law 2015, chapter  
14 339;

15           **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
16 the meaning of the Constitution of Maine and require the following legislation as  
17 immediately necessary for the preservation of the public peace, health and safety; now,  
18 therefore,

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

20           **Sec. 1. 17-A MRSA §511-A, sub-§5** is enacted to read:

21           5. Unauthorized private images that are prohibited under this section and any written  
22 information describing and directly pertaining to the images contained in court records  
23 must be sealed by the clerk and not disclosed to the public or the media unless the court  
24 orders the disclosure to be made after a hearing in which the court determines that  
25 disclosure is in the interest of justice.

26           **Sec. 2. 19-A MRSA §4002, sub-§1, ¶¶E and F,** as enacted by PL 1995, c. 694,  
27 Pt. B, §2 and affected by Pt. E, §2, are amended to read:

28           E. Communicating to a person a threat to commit, or to cause to be committed, a  
29 crime of violence dangerous to human life against the person to whom the  
30 communication is made or another, and the natural and probable consequence of the  
31 threat, whether or not that consequence in fact occurs, is to place the person to whom  
32 the threat is communicated, or the person against whom the threat is made, in  
33 reasonable fear that the crime will be committed; ~~or~~

34           F. Repeatedly and without reasonable cause:

35           (1) Following the plaintiff; or

36           (2) Being at or in the vicinity of the plaintiff's home, school, business or place of  
37 employment; or

