

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 2144

H.P. 1533

House of Representatives, March 10, 2020

**An Act To Protect Maine Residents from Stalking and
Unauthorized Surveillance by Use of an Unmanned Aerial Vehicle**

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

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

ROBERT B. HUNT
Clerk

Presented by Representative ANDREWS of Paris.
Cosponsored by Representative MORIARTY of Cumberland, Senator BELLOWS of Kennebec and Representatives: BEEBE-CENTER of Rockland, McLEAN of Gorham, MOONEN of Portland, PICKETT of Dixfield, TERRY of Gorham, WARREN of Hallowell, Senators: GUERIN of Penobscot, SANBORN, L. of Cumberland.

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

2 **Sec. 1. 17-A MRSA §210-A, sub-§2, ¶A**, as amended by PL 2007, c. 685, §1, is
3 further amended to read:

4 A. "Course of conduct" means 2 or more acts, including but not limited to acts in
5 which the actor, by any action, method, device or means, including use of an
6 unmanned aerial vehicle, directly or indirectly follows, monitors, tracks, observes,
7 surveils, threatens, harasses or communicates to or about a person or interferes with a
8 person's property. "Course of conduct" also includes, but is not limited to, threats
9 implied by conduct and gaining unauthorized access to personal, medical, financial or
10 other identifying or confidential information.

11 **Sec. 2. 17-A MRSA §210-A, sub-§2, ¶F** is enacted to read:

12 F. "Unmanned aerial vehicle" means an aircraft operated without a physical human
13 presence within or on the aircraft.

14 **Sec. 3. 17-A MRSA §511, sub-§1, ¶C**, as amended by PL 1997, c. 467, §1, is
15 further amended to read:

16 C. Installs or uses outside a private place without the consent of the person or
17 persons entitled to privacy therein, any device for hearing, recording, amplifying or
18 broadcasting sounds originating in that place that would not ordinarily be audible or
19 comprehensible outside that place; or

20 **Sec. 4. 17-A MRSA §511, sub-§1, ¶D**, as enacted by PL 1997, c. 467, §1, is
21 amended to read:

22 D. Engages in visual surveillance in a public place by means of mechanical or
23 electronic equipment with the intent to observe or photograph, or record, amplify or
24 broadcast an image of any portion of the body of another person present in that place
25 when that portion of the body is in fact concealed from public view under clothing
26 and a reasonable person would expect it to be safe from surveillance; or

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

28 E. Outside a private place, uses an unmanned aerial vehicle flying at an altitude of
29 less than 400 feet above the private place or its curtilage at any time without the
30 written permission of the resident or owner of the private place.

31 **Sec. 6. 17-A MRSA §511, sub-§2**, as amended by PL 2007, c. 688, §2, is
32 repealed and the following enacted in its place:

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

35 A. "Device" includes an unmanned aerial vehicle.

36 B. "Private place" means a place where one may reasonably expect to be safe from
37 surveillance, including, but not limited to, the interior of one's home, changing or
38 dressing rooms, bathrooms and similar places.

1 C. "Unmanned aerial vehicle" has the same meaning as in Title 25, section 4501,
2 subsection 2, paragraph B.

3

4

SUMMARY

5 This bill adds the use of unmanned aerial vehicles, also known as drones, to the laws
6 governing stalking in the Maine Criminal Code. With respect to the Class D crime of
7 violation of privacy, it provides that the crime can be committed through the use of an
8 unmanned aerial vehicle and adds a provision that prohibits a person from intentionally
9 using outside a private place an unmanned aerial vehicle flying at an altitude of less than
10 400 feet above the private place or its curtilage at any time without the written permission
11 of the resident or owner of the private place.