

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1492

H.P. 947

House of Representatives, April 5, 2023

**An Act to Increase the Transparency and Accountability of the
Maine Information and Analysis Center**

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 LOOKNER of Portland.
Cosponsored by Representatives: BOYER of Poland, HASENFUS of Readfield, JAUCH of Topsham, MILLIKEN of Blue Hill, O'NEIL of Saco, RECKITT of South Portland, Speaker TALBOT ROSS of Portland, Senator: HICKMAN of Kennebec.

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

2 **Sec. 1. 25 MRSA §1802** is enacted to read:

3 **§1802. Auditor**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Auditor" means the auditor of the center pursuant to this section.

7 B. "Committee" means the joint standing committee of the Legislature having
8 jurisdiction over criminal justice and public safety matters.

9 **2. Creation of position.** There is created within the Office of the Attorney General
10 the position of auditor of the center. The auditor must be a person qualified by integrity and
11 demonstrated ability in relevant fields.

12 **3. Appointment.** The Attorney General shall appoint the auditor without regard to
13 political affiliation.

14 **4. Powers and duties.** The auditor shall conduct systematic, ongoing oversight of the
15 center to help bring transparency and accountability to its operations and to ensure that the
16 center operates within the law and in a manner that preserves the privacy and liberty of all
17 people in the State. The auditor:

18 A. Shall assist the committee in the oversight duties of the committee over the center;

19 B. Shall maintain a publicly accessible website that includes reports made to the
20 committee pursuant to section 1801 and a means for the public to ask a question about
21 the auditor or the center or submit a complaint about the auditor or center;

22 C. Shall keep confidential the identity of an officer that makes a good faith complaint
23 against the center; and

24 D. May select the type and extent of reviews of center activities to conduct.

25 **5. Reporting.** The auditor shall make the following reports to the committee:

26 A. An annual report no later than February 15th of each year regarding the oversight
27 of the center;

28 B. An interim progress report no later than September 15th of each year, including
29 progress made on previous goals, if applicable, and any obstacles the auditor has found
30 in performing the requirements of this section;

31 C. A report whenever the center or a state or local law enforcement agency refuses a
32 data request or to make personnel available for auditor interviews, including the reason
33 for the refusal, if known; and

34 D. Other reports as the auditor determines necessary.

35 The auditor shall redact from a report made under this subsection any information that is
36 prohibited from disclosure, is sensitive and pertains to an ongoing investigation of criminal
37 activity or would cause a specific and imminent threat to safety.

38 **6. Limitations.** The auditor may not:

39 A. Require the center to take corrective action; or

1 B. Disclose the name or other personally identifying information of an informant,
2 witness or suspect or other source of information to the center.

3 7. Center cooperation. The center shall make available documents and personnel as
4 requested by the auditor.

5 8. Commissioner input. The Commissioner of Public Safety may present a response
6 to an issue reported by the auditor.

7 **Sec. 2. 25 MRSA §1803** is enacted to read:

8 **§1803. Public record**

9 Information shared by the center with a private entity is a public record within the
10 meaning of the Freedom of Access Act.

11 **Sec. 3. Priority of tasks.** Notwithstanding the Maine Revised Statutes, Title 25,
12 section 1802, subsection 4, paragraph D, the auditor of the Department of Public Safety,
13 Maine Information and Analysis Center, a cooperative effort between the Department of
14 Defense, Veterans and Emergency Management, Maine Emergency Management Agency
15 and the State Police, in preparation for the auditor's first required report, shall review the
16 center's record-keeping and information-sharing practices, particularly with respect to
17 intelligence gathering. The auditor shall assess the policies that the center uses to determine
18 the quality or veracity of the information that the center gathers and whether those policies
19 appropriately consider the privacy and liberty interests of all people in the State. The
20 auditor shall determine whether the center's practices comply with the requirements of
21 federal regulations regarding criminal intelligence collection, retention and sharing,
22 particularly 28 Code of Federal Regulations, Part 23.

23 **SUMMARY**

24 This bill creates the position of auditor within the Office of the Attorney General for
25 the purpose of conducting systematic, ongoing oversight of the Department of Public
26 Safety, Maine Information and Analysis Center, a cooperative effort between the
27 Department of Defense, Veterans and Emergency Management, Maine Emergency
28 Management Agency and the State Police, to help bring transparency and accountability to
29 its operations and to ensure that the center operates within the law and in a manner that
30 preserves the privacy and liberty of all people in the State and directs the auditor to include
31 certain reviews in the auditor's first required report. The bill provides that information
32 shared by the center with a private entity is a public record within the meaning of the
33 Freedom of Access Act.