

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2012 to July 10, 2013**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 9, 2013**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2013**

K. Each party as defined in Title 21-A, section 1, subsection 28, including a party committee, and each organization that is required under Title 21-A, chapter 13 to register with the commission as a political action committee or ballot question committee for which the Legislator or a member of the Legislator's immediate family is a treasurer, principal officer or principal fund-raiser or decision maker;

Sec. 2. 1 MRSA §1016-G, sub-§5, as enacted by PL 2011, c. 634, §11, is amended to read:

5. Public record. Statements filed under this section are public records. The commission shall ~~publish~~ provide a means for Legislators to file statements in an electronic format that must immediately place the statements on a publicly accessible website ~~the completed forms of Legislators filed under this section.~~ Legislators shall file statements required by this section using the electronic format prescribed by the commission. If a Legislator can attest to an inability to access or use the electronic filing format, the commission may provide assistance to the Legislator to ensure proper and timely placement of the required statements on the publicly accessible website.

Sec. 3. 5 MRSA §19, sub-§2, ¶¶H, J and P, as enacted by PL 2011, c. 634, §19, are amended to read:

H. The name, address and principal economic or business activity of any corporation, partnership, limited liability company or other business in which the executive employee or members of the employee's immediate family own or control, directly or indirectly, more than ~~50%~~ 5% of the outstanding equity, whether individually or in the aggregate, that has received revenue of \$2,000 or more;

J. Each additional source of income of \$2,000 or more received by the executive employee ~~and a description of the nature of the income, such as rental income, dividend income and capital gains;~~

P. Each party as defined in Title 21-A, section 1, subsection 28, including a party committee, and each organization that is required under Title 21-A, chapter 13 to register with the commission as a political action committee or ballot question committee for which the executive employee or a member of the executive employee's immediate family is a treasurer, principal officer or principal fund-raiser or decision maker of the organization;

Sec. 4. 5 MRSA §19, sub-§6, as amended by PL 2007, c. 704, §9, is further amended to read:

6. Public record. Statements filed under this section are public records. The Commission on Governmental Ethics and Election Practices shall ~~publish~~ provide a means for executive employees to file state-

ments in an electronic format that must immediately place the statements on a publicly accessible website ~~the completed forms of executive employees filed under this section.~~ Executive employees shall file statements required by this section using the electronic format prescribed by the commission. If an executive employee can attest to an inability to access or use the electronic filing format, the commission may provide assistance to the employee to ensure proper and timely placement of the required statements on the publicly accessible website.

Sec. 5. Commission on Governmental Ethics and Election Practices to recommend method for disclosing income in ranges. By February 1, 2014, the staff of the Commission on Governmental Ethics and Election Practices shall recommend to the Joint Standing Committee on Veterans and Legal Affairs a method for providing disclosure of income received by Legislators and certain employees of the executive branch as ranges of income reported. The committee shall consider the recommendations of the commission and seek input from Legislators and members of the executive branch subject to disclosure requirements. The committee is authorized to report out a bill to the Second Regular Session of the 126th Legislature directing the commission to adopt major substantive rules, as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, to require that income disclosures, required by Title 1, section 1016-G and Title 5, section 19, be submitted in ranges.

Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

**ETHICS AND ELECTION PRACTICES, COMMISSION ON GOVERNMENTAL Governmental Ethics and Election Practices - Commission on 0414**

Initiative: Provides one-time funding to develop and implement a new electronic filing system.

GENERAL FUND	2013-14	2014-15
All Other	\$20,000	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$20,000</b>	<b>\$0</b>

See title page for effective date.

**CHAPTER 402  
S.P. 484 - L.D. 1377**

**An Act To Protect Cellular Telephone Privacy**

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

Sec. 1. 16 MRSA c. 3, sub-c. 10 is enacted to read:

**SUBCHAPTER 10**

**PORTABLE ELECTRONIC DEVICE CONTENT INFORMATION**

**§641. Definitions**

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Adverse result.** "Adverse result" means:

A. Immediate danger of death or serious physical injury;

B. Flight from prosecution;

C. Destruction of or tampering with evidence;

D. Intimidation of a potential witness;

E. Potentially jeopardizing an investigation;

F. Undue delay of a trial; or

G. Other significantly detrimental consequence.

**2. Content information.** "Content information," when used with respect to any wire, oral or electronic communication, includes any information concerning the substance, purport or meaning of that communication.

**3. Electronic communication service.** "Electronic communication service" means a service that provides to users the ability to send or receive spoken or electronic communications.

**4. Government entity.** "Government entity" means a state or local government agency, including but not limited to a law enforcement entity or any other investigative entity, agency, department, division, bureau, board or commission or an individual acting or purporting to act for or on behalf of a state or local government agency.

**5. Owner.** "Owner" means the person or entity having the legal title, claim or right to a portable electronic device.

**6. Portable electronic device.** "Portable electronic device" means a portable device that enables access to, or use of, an electronic communication service or remote computing service.

**7. Remote computing service.** "Remote computing service" means computer storage or processing services provided by means of an electronic communication service.

**8. User.** "User" means a person or entity that uses a portable electronic device.

**§642. Authority to obtain and disclose content information held by a provider of electronic communication service**

**1. Authority to obtain.** A government entity may obtain portable electronic device content information directly from a provider of electronic communication service only in accordance with a valid warrant issued by a duly authorized judge or justice using procedures established pursuant to Title 15, section 55 or as otherwise provided in this subchapter.

**2. Authority to disclose.** A provider of electronic communication service may disclose portable electronic device content information to a government entity only pursuant to a warrant issued by a duly authorized judge or justice or as otherwise provided in this subchapter.

**§643. Notice**

Notice must be given to the owner or user of a portable electronic device whose content information was obtained by a government entity.

**1. Timing and content of notice.** Unless the court determines under subsection 2 that no notice is required, the government entity shall provide notice to the owner or user that content information was obtained by the government entity from that owner's or user's portable electronic device within 3 days of obtaining the content information. The notice must be made by service or delivered by registered or first-class mail, e-mail or any other means reasonably calculated to be effective as specified by the court issuing the warrant. The notice must contain the following information:

A. The nature of the law enforcement inquiry, with reasonable specificity;

B. The content information of the owner or user that was supplied to or requested by the government entity and the date on which it was provided or requested; and

C. If content information was obtained from a provider of electronic communication service or other 3rd party, the identity of the provider of electronic communication service or the 3rd party from whom the information was obtained.

**2. Notification not required.** A government entity acting under section 642 may include in the application for a warrant a request for an order to waive the notification required under this section. The court may issue the order if the court determines that there is reason to believe that notification will have an adverse result.

**3. Preclusion of notice to owner or user subject to warrant for content information.** A government entity acting under section 642 may include in its application for a warrant a request for an order directing

a provider of electronic communication service to which a warrant is directed not to notify any other person of the existence of the warrant. The court may issue the order if the court determines that there is reason to believe that notification of the existence of the warrant will have an adverse result.

**§644. Exceptions**

**1. Consent of owner or user.** When disclosure of portable electronic device content information is not prohibited by federal law, a government entity may obtain the information without a warrant with the informed, affirmative consent of the owner or user of the portable electronic device concerned, except when the device is known or believed by the owner or user to be in the possession of a 3rd party known to the owner or user.

**2. Consent of owner or user not required if content information public.** Notwithstanding subsection 1, a government entity may obtain content information without a warrant if the content information is otherwise disclosed by anyone in a publicly accessible domain, including, but not limited to, on the Internet.

**3. Emergency.** When a government entity cannot, with due diligence, obtain a warrant in time to address an emergency that involves or is believed to involve an imminent threat to life or safety, a government entity may obtain the content information from a portable electronic device without a warrant, and a provider of electronic communication service may disclose such information to the requesting government entity without a warrant.

**§645. Use of content information obtained in violation of this subchapter not admissible**

Except as proof of a violation of this subchapter, evidence obtained in violation of this subchapter is not admissible in a criminal, civil, administrative or other proceeding.

**§646. Violations; injunctive relief**

A person damaged as a result of a violation of this subchapter has a cause of action in court against a government entity that fails to comply with the provisions of this subchapter, and the court may award injunctive relief.

See title page for effective date.

**CHAPTER 403  
H.P. 9 - L.D. 5**

**An Act To Make Changes to  
the Potato Marketing  
Improvement Fund**

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

**Sec. 1. 5 MRSA §12004-H, sub-§10-A** is enacted to read:

**10-A.**

Potato Marketing Improvement Fund Committee	Expenses Only	7 MRSA §972-B
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**Sec. 2. 7 MRSA §970** is enacted to read:

**§970. Definitions**

As used in this article, unless the context otherwise indicates, the following terms have the following meanings.

**1. Board.** "Board" means the Maine Potato Board established in Title 36, section 4603.

**2. Committee.** "Committee" means the Potato Marketing Improvement Fund Committee under section 972-B.

**3. Fund.** "Fund" means the Potato Marketing Improvement Fund established in Title 10, section 1023-N.

**Sec. 3. 7 MRSA §972-A**, as enacted by PL 2005, c. 335, §3, is repealed.

**Sec. 4. 7 MRSA §972-B** is enacted to read:

**§972-B. Potato Marketing Improvement Fund Committee**

**1. Members.** The Potato Marketing Improvement Fund Committee, as established in Title 5, section 12004-H, subsection 10-A, consists of:

A. The commissioner or the commissioner's designee; and

B. Six members appointed by the board, 2 of whom must represent the processing sector of the potato industry, 2 of whom must represent the seed sector of the potato industry and 2 of whom must represent the tablestock sector of the potato industry.

**2. Duties.** The committee shall: