

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

SECOND REGULAR SESSION
January 3, 2024 to May 10, 2024

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 9, 2024

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

Augusta, Maine
2024

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

Sec. 7. **16 MRSA §642**, as amended by PL 2017, c. 144, §4, is further amended to read:

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

1. **Authority to obtain.** A government entity may obtain ~~portable~~ electronic device content information directly from a provider of electronic communication service or a ~~provider of~~ remote computing service only in accordance with a valid search warrant issued by a duly authorized justice, judge or justice of the peace using procedures established pursuant to Title 15, section 55 or 56 or as otherwise provided in this subchapter.

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

Sec. 8. **16 MRSA §643, first ¶**, as amended by PL 2019, c. 489, §7, is further amended to read:

Notice must be given to the owner or user of a ~~portable~~ an electronic device whose content information was obtained by a government entity. The notice requirements of this section do not apply if the government entity is unable to identify the owner or user of a ~~portable~~ an electronic device.

Sec. 9. **16 MRSA §643, sub-§3**, as enacted by PL 2013, c. 402, §1, is amended to read:

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 or remote computing 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.

Sec. 10. **16 MRSA §644, sub-§1**, as amended by PL 2019, c. 489, §9, is further amended to read:

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 authorized to possess the device by the owner or user.

Sec. 11. **16 MRSA §644, sub-§3**, as amended by PL 2019, c. 489, §9, is further amended to read:

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 imminent danger of death or serious physical injury to any person, a government entity may obtain the content information from a ~~portable~~ an electronic device without a warrant, and a provider of electronic communication service or remote computing service may disclose such information to the requesting government entity without a warrant.

See title page for effective date.

CHAPTER 500

S.P. 834 - L.D. 2011

An Act Regarding the State Auditor's Reporting Requirements on State Agencies' Financial Activities

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

Sec. 1. **5 MRSA §243-C** is enacted to read:

§243-C. Corrective action plans; report

By January 1st of each year, the State Auditor shall submit a report to the Executive Director of the Legislative Council and to all joint standing committees of the Legislature regarding the administration of federal grants, programs and awards by state agencies. The report must be based on the most recent single audit conducted pursuant to section 243, subsection 9 and describe all disputed findings in the prior 5 years with regard to the administration of federal grants, programs and awards and any corrective action plans in the single audit reports in the prior 5 years that have not been implemented.

By February 1st of each year, the joint standing committee of the Legislature having jurisdiction over the subject matter of any disputed finding or corrective action plan identified in the report submitted pursuant to this section and that has not been implemented shall invite the State Auditor to provide a briefing at a public meeting of the committee on the report. The committee may report out legislation related to the disputed findings and corrective action plans during the session of the Legislature in which the briefing is held.

See title page for effective date.
