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Overview - MAINE ; TITLE 25 Revised Statutes Annotated

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MAINE

TITLE 25  
INTERNAL SECURITY AND PUBLIC SAFETY  
CHAPTER 193  
STATE BUREAU OF IDENTIFICATION

Section

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§ 1541. Commanding officer

1. **Appointment.** The Chief of the State Police shall appoint a person who has knowledge of the various standard identification systems and Maine court procedure to be commanding officer of the State Bureau of Identification, heretofore established within the Bureau of State Police.

2. **Personnel.** The Chief of the State Police may delegate members of the State Police to serve in the bureau upon request of the commanding officer. The commanding officer shall have the authority to hire such civilian personnel, subject to the Civil Service Law<sup>1</sup> and the approval of the Chief of the State Police, as he may deem necessary.

3. **Cooperation with other bureaus.** The commanding officer shall cooperate with similar bureaus in other states and with the national bureau in the Department of Justice in Washington, D.C. and he shall develop and carry on an interstate, national and international system of identification.

4. **Rules and regulations.** The commanding officer shall make and forward to all persons charged with any duty or responsibility under this section and sections 1542, 1544, 1547 and 1549; rules, regulations and forms for the taking, filing, preserving and distributing of fingerprints and other criminal history record information as provided in this chapter. Before becoming effective, such rules, regulations and forms are to be approved by the Attorney General.

4-A. **Responsibility.** The commanding officer shall collect and maintain fingerprints and other criminal history record information pertinent to the identification of individuals who have been arrested as fugitives from justice or who have been arrested or charged with any criminal offense under the laws of this State, except a violation of Title 12 or 29. The commanding officer may collect and maintain fingerprints and other criminal history record information that may be related to other offenses or to the performance of his obligations under state laws and under agreements with agencies of the United States or any other jurisdiction.

5. **Apparatus and materials.** The Chief of the State Police shall supply such bureau with the necessary apparatus and materials for collecting, filing, preserving and distributing criminal history record information.

6. **Establishment of fees.** The State Bureau of Identification may charge nongovernmental organizations for services provided pursuant to this chapter. The commissioner shall establish a schedule of fees which shall cover the cost of providing these services, 100% of which shall be credited to the General Fund. R.S.1954, c. 15, § 14; 1971, c. 592, § 37; 1975, c. 763, § 4; 1985, c. 785, § B, 110, eff. July 1, 1986; 1987, c. 421; 1987, c. 512, § 1.

§ 1542. Repealed. Laws 1987, c. 512, § 2

§ 1542-A. Appointment

1. **Duty to take fingerprints.** The law enforcement agency designated in subsection 3 shall take the fingerprints of any person:

- A. Charged with the commission of a criminal offense other than a crime found in Title 12 or 29;
- B. Arrested as a fugitive from justice;
- C. Named on a search warrant which directs that such person's fingerprints be taken;
- D. Named in a Maine Rules of Criminal Procedure 16A order which directs that such person's fingerprints be taken;
- E. Who dies under circumstances of death constituting a medical examiner case under Title 22, section 3025, if sought pursuant to Title 22, section 3025, subsection 3, or at the request of the Chief Medical Examiner or the Attorney General; or
- F. Whose fingerprints have been ordered by a court.

2. **Palm prints, footprints and photographs.** Whenever fingerprints are to be taken pursuant to subsection 1, paragraph A or B, palm prints, footprints and photographs may also be taken. Whenever palm prints, footprints or photographs are ordered to be obtained pursuant to subsection 1, paragraph C, D or F, or are sought pursuant to paragraph E, the palm prints, footprints or photographs shall be taken.

3. **Duty to take fingerprints.** The duty to take fingerprints is imposed as follows.

A. The law enforcement agency having primary responsibility for the criminal investigation and prosecution shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph A. If the offender is subjected to a custodial arrest, fingerprints shall be taken prior to that person being released from custody. If the offender is summonsed to appear or, relative to a Class D or Class E crime, released at the scene by a law enforcement officer after taking the personal recognizance of any such person for his appearance, fingerprints shall be taken within 5 days at a time and place specified by the responsible agency. The offender shall appear at the specified time and place and shall submit to the process. To the extent possible, the fingerprinting shall occur prior to arraignment. At the time of arraignment, the court shall inquire as to whether fingerprints have been taken or as to whether arrangements have been made for fingerprinting. If this has not occurred, the court shall instruct both the responsible law enforcement agency and the person charged as to their respective obligations in this regard.

B. The law enforcement agency which arrests a fugitive from justice shall take or cause to be taken the fingerprints of that person.

C. The law enforcement agency having primary responsibility for the criminal investigation and prosecution shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph D.

D. The law enforcement agency or individual identified in the warrant or order shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph C or F.

E. The law enforcement agency of which the request is made shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph E.

**4. Duty to submit to State Bureau of Identification.** It is the duty of the law enforcement agency taking the fingerprints as required by subsection 3, paragraphs A and B, to transmit forthwith to the State Bureau of Identification the criminal fingerprint record. Fingerprints taken pursuant to subsection 1, paragraph C, D, E or F, or pursuant to subsection 5, shall not be submitted to the State Bureau of Identification unless an express request is made by the commanding officer of the State Bureau of Identification.

**5. Right to take fingerprints.** A law enforcement officer designated in subsection 7 may take the fingerprints of any person:

- A. Charged with the commission of a juvenile offense;
- B. Charged with the commission of a criminal offense found in Title 12 or 29;
- C. Who is in a state correctional facility or county institution or facility in execution of a sentence for a crime or in execution of an order involving an institutional disposition for a juvenile crime; or
- D. Who voluntarily submits to fingerprinting for any law enforcement purpose.

**6. Palm prints, footprints and photographs.** Whenever fingerprints are taken pursuant to subsection 5, paragraph A, B or C, palm prints, footprints and photographs may also be taken. In addition, palm prints, footprints or photographs may also be taken for any law enforcement purpose when a person voluntarily submits to them.

**7. Upon whom the right to take fingerprints is given.** Any law enforcement officer may take or cause to be taken the fingerprints of any person named in subsection 5. Any corrections officer or the person in charge of a state correctional facility or county institution or facility may take or cause to be taken the fingerprints of any person named in subsection 5, paragraph C or D.

**8. Fingerprint record forms.** Fingerprints taken pursuant to subsection 1, paragraphs A, B and D, and subsection 5, paragraphs B, C and D, shall be taken on a form furnished by the State Bureau of Identification, such form to be known as the Criminal Fingerprint Record. Fingerprints taken pursuant to subsection 1, paragraph E, shall be taken on a form furnished by the bureau, such form to be known as the Noncriminal Fingerprint Record. Fingerprints taken pursuant to subsection 5, paragraph A, shall be taken on a form furnished by the State Bureau of Identification, such form to be known as the Juvenile Crime Fingerprint Record. Fingerprints taken pursuant to subsection 1, paragraphs C or F, shall be taken upon the form appropriate for that purpose. 1987, c. 512, § 3.

**§ 1543. Repealed. Laws 1975, c. 763, § 6**

**§ 1544. Uniform crime reporting**

It shall be the duty of all state, county and municipal law enforcement agencies, including those employees of the University of Maine System appointed to act as policemen, to submit to the State Bureau of Identification uniform crime reports, to include such information as is necessary to establish a Criminal Justice Information System and to enable the commanding officer to comply with section 1541, subsection 3. It shall be the duty of the bureau to prescribe the form, general content, time and manner of submission of such uniform crime reports. The bureau shall correlate the reports submitted to it and shall compile and submit to the Governor and Legislature annual reports based on such reports. A copy of such annual reports shall be furnished to all law enforcement agencies.

The bureau shall establish a category for abuse by adults of family or household members and a category for harassment, which shall be supplementary to its other reported information. The bureau shall prescribe the information to be submitted in the same manner as for all other categories of the uniform crime reports.

**§§ 1545, 1546. Repealed. Laws 1975, c. 763, § 8**

**§ 1547. Courts to submit criminal records to the State Bureau of Identification**

At the conclusion of any prosecution for any criminal offense, except a violation of Title 12 or Title 29, the clerk of the court shall transmit to the State Bureau of Identification an abstract duly certified on the form provided by the bureau.

1955, c. 120; 1963, c. 402, § 8; 1987, c. 281, § 3.

**§ 1548. Repealed. Laws 1973, c. 5**

**§ 1549. Request for fingerprints; fee**

The State Police, the sheriffs and the chiefs of police in each of the cities and towns may take or cause to be taken, and upon payment of a \$3 fee, shall take or cause to be taken, the fingerprints or palm prints, or fingerprints and palm prints, of any person who requests that the person's fingerprints or palm prints, or fingerprints and palm prints, be taken.

*[See main volume for second paragraph]*

1993, c. 235, § 1.

**§ 1550. Violations**

Any person who fails to comply with the provisions of section 1542, subsections 1 or 3, or with the provisions of section 1542, subsection 4, imposing a duty to transmit criminal fingerprint records to the State Bureau of Identification, or with the provisions of sections 1544, 1547 or 1549 commits a civil violation for which a forfeiture of not more than \$100 may be adjudged.  
1975, c. 763, § 10.

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Title 16

SUBCHAPTER VIII

CRIMINAL HISTORY RECORD INFORMATION ACT

New Sections	New Sections
611. Definitions.	618. Confirming existence or nonexistence of criminal history record information.
612. Applications.	619. Unlawful dissemination.
613. Limitations on dissemination of nonconviction data.	620. Right to access and review.
614. Limitation on dissemination of intelligence and investigative information.	621. Information and records of the Attorney General, State Police and Bureau of Identification.
615. Dissemination of conviction data.	622. Application.
616. Inquiries required.	
617. Dissemination to noncriminal justice agencies.	

*Subchapter VIII, Criminal History Record Information Act, was enacted by 1979, c. 433, § 2.*

§ 611. Definitions

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

1. **Administration of criminal justice.** "Administration of criminal justice" means detection, apprehension, detention, pre-trial release, post-trial release, prosecution, adjudication, correctional supervision or rehabilitation of accused persons or criminal offenders. It includes criminal identification activities and the collection, storage and dissemination of criminal history record information.

2. **Conviction data.** "Conviction data" means criminal history record information other than nonconviction data.

3. **Criminal history record information.** "Criminal history record information" means notations or other written evidence of an arrest, detention, complaint, indictment, information or other formal criminal charge relating to an identifiable person. It shall include the identification or description of the person charged and any disposition of the charge. The term does not include identification information such as fingerprints, palm prints or photographic records to the extent that the information does not indicate involvement of the individual in the criminal justice system. The term does not include records of civil violations.

4. **Criminal justice agency.** "Criminal justice agency" means a federal, state, district, county or local government agency or any subunit thereof that performs the administration of criminal justice under a statute or executive order, and that allocates a substantial part of its annual budget to the administration of criminal justice. Courts and the Department of the Attorney General are considered criminal justice agencies. "Criminal justice agency" also includes any equivalent agency at any level of Canadian government.

5. **Disposition.** "Disposition" means the conclusion of criminal proceedings, and includes acquittal, acquittal by reason of mental disease or defect, filing of case, dismissal of charge, dismissal of charge due to mental incompetency, continuance due to mental incompetence, guilty plea, nolo contendere plea, nolle prosequi, conviction, sentence, death of defendant, mistrial, new trial granted, release from correctional supervision, parole, pardon, amnesty or extradition. If the disposition is that the police have elected not to refer a matter to a prosecutor or that a prosecutor has elected not to commence criminal proceedings, it shall include the nature of the termination or conclusion of the proceedings. If the disposition is that the proceedings have been indefinitely postponed, it shall include the reason for that postponement.

6. **Dissemination.** "Dissemination" means the transmission of information, whether orally, in writing or by electronic means by or to anyone outside the agency which maintains the information.

7. **Executive order.** "Executive order" means an order of the President of the United States or the chief executive of a state which has the force of law and which is published in a manner permitting regular public access thereto.



8. **Intelligence and investigative information.** "Intelligence and investigative information" means information collected by criminal justice agencies or at the direction of criminal justice agencies in an effort to anticipate, prevent or monitor possible criminal activity, including operation plans of the collecting agency or another agency, or information compiled in the course of investigation of known or suspected crimes, civil violations and prospective and pending civil actions. "Intelligence and investigative information" does not include information that is criminal history record information.

9. **Nonconviction data.** "Nonconviction data" means criminal history record information of the following types:

A. Arrest information without disposition, if an interval of one year has elapsed from the date of the arrest and no active prosecution of the charge is pending. To be an active prosecution the case must be still actively in process, with arraignment completed and the case docketed for court trial;

B. Information disclosing that the police have elected not to refer a matter to a prosecutor;

C. Information disclosing that a prosecutor has elected not to commence criminal proceedings;

D. Information disclosing that criminal proceedings have been indefinitely postponed, e. g. a "filed" case, or a case which cannot be tried because the defendant is found to be mentally incompetent to stand trial;

E. A dismissal;

F. An acquittal, excepting an acquittal by reason of mental disease or defect; and

G. Information disclosing that a person has been granted a full and free pardon or amnesty.

10. **Person.** "Person" means an individual, government agency or a corporation, partnership or unincorporated association.

11. **State.** "State" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico and any territory or possession of the United States.

12. **Statute.** "Statute" means an Act of Congress or of a state legislature or a provision of the Constitution of the United States or of a state.

1979, c. 433, § 2.

## **§ 812. Application**

1. **Criminal justice agencies.** This subchapter shall apply only to criminal justice agencies.

2. **Exceptions.** This subchapter shall not apply to criminal history record information contained in:

A. Posters, announcements or lists for identifying or apprehending fugitives or wanted persons;

B. Original records of entry, such as police blotters, that are maintained by criminal justice agencies and that are compiled and organized chronologically;

C. Records, retained at and by the District Court and Superior Court, of public judicial proceedings, including, but not limited to, docket entries and original court files;

D. Court or administrative opinions not impounded or otherwise declared confidential;

E. Records of public administrative or legislative proceedings;

F. Records of traffic offenses, retained at and by the Secretary of State; and

G. Petitions for and warrants of pardons, commutations, reprieves and amnesties.

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3. Permissible disclosure. Nothing in this subchapter shall be construed to prohibit a criminal justice agency from:

A. Disclosing to the public criminal history record information related to an offense for which a person is currently within the criminal justice system;

B. Confirming prior criminal history record information to the public, in response to a specific inquiry that includes a specific name, date and charge or disposition, provided that the information disclosed is based upon data excluded by subsection 2. The disclosing criminal justice agency shall disclose therewith any and all criminal history record information in its possession which indicates the disposition of the arrest, detention or formal charges; and

C. Disseminating criminal history record information for purposes of international travel such as issuing visas and granting of citizenship.  
1979, c. 433, § 2.

### §612-A. Record of persons detained

1. Requirement of record. Every criminal justice agency that maintains a facility for pretrial detention shall record the following information concerning each person delivered to it for pretrial detention for any period of time:

A. Identity of the arrested person, including name, age, residence and occupation, if any;

B. Offenses charged, including the time, place and nature of the offense;

C. Time and place of arrest; and

D. Circumstances of arrest, including force, resistance, pursuit and weapon, if any.

2. Time and method of recording. The record required by this section shall be made immediately upon delivery of the person concerned to the agency for detention. It shall be made upon serially numbered cards or sheets or on the pages of a permanently bound volume, made and maintained in chronological order, and shall be part of the permanent records of the agency making it. The record required by this section may be combined with the record required by Title 34, section 958.

3. Records public. The record required by this section shall be a public record, except for records of the detention of juveniles, as defined in Title 15, section 3003, subsection 14.

Approved June 3, 1983.

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### § 613. Limitations on dissemination of nonconviction data

Except as provided in section 612, subsections 2 and 3, dissemination of non-conviction data by a criminal justice agency, whether directly or through any intermediary, shall be limited to:

1. Criminal justice agencies. Other criminal justice agencies for the purpose of the administration of criminal justice and criminal justice agency employment;

2. Under express authorization. Any person for any purpose when expressly authorized by statute, executive order, court rule, court decision or court order. Express authorization shall mean language in the statute, executive order, or court rule, decision or order which specifically mentions non-conviction data or specifically refers to one or more of the types of non-conviction data;

3. Under specific agreements. Any person with a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice or to conduct investigations determining the employment suitability of prospective law enforcement officers. The agreement shall specifically authorize access to data, limit the use of the data to purposes for which given, insure security and confidentiality of the data consistent with this subchapter and provide sanctions for any violations; and

4. Research activities. Any person for the express purpose of research, evaluation or statistical purposes or under an agreement with the criminal justice agency. The agreement shall specifically authorize access to data, limit the use of data to research, evaluation or statistical purposes, insure the confidentiality and security of the data consistent with this subchapter and provide sanctions for any violations.

1979, c. 433, § 2.

### § 614. Limitation on dissemination of intelligence and investigative information

1. Limitation on dissemination of intelligence and investigative information. Reports or records in the custody of a local, county or district criminal justice agency, in the custody of the Bureau of State Police or the Office of the State Fire Marshal, in the custody of the Department of Corrections, in the custody of the criminal law enforcement units of the Department of Marine Resources or the Department of Inland Fisheries and Wildlife or in the custody of the Maine Drug Enforcement Agency containing intelligence and investigative information are confidential and may not be disseminated if there is a reasonable possibility that public release or inspection of the reports or records would:

- A. Interfere with law enforcement proceedings;
- B. Result in public dissemination of prejudicial information concerning an accused person or concerning the prosecution's evidence that will interfere with the ability of a court to impanel an impartial jury;
- C. Result in public dissemination of information about the private life of an individual in which there is no legitimate public interest and that would be offensive to a reasonable person;
- D. Disclose the identity of a confidential source;
- E. Disclose confidential information furnished only by the confidential source;
- F. Disclose investigative techniques and procedures or security plans and procedures not generally known by the general public; or
- G. Endanger the life or physical safety of law enforcement personnel.

**§ 615. Dissemination of conviction data**

Conviction data may be disseminated to any person for any purpose.  
1979, c. 433, § 2.

**§ 616. Inquiries required**

A criminal justice agency shall query the State Bureau of Identification prior to dissemination of any criminal history record information for non-criminal justice purposes to assure that the most up-to-date disposition is being used.

1979, c. 433, § 2.

**§ 617. Dissemination to noncriminal justice agencies**

Criminal history record information disseminated to a noncriminal justice agency under section 613 shall be used solely for the purpose of which it was disseminated and shall not be disseminated further.

1979, c. 433, § 2.

**§ 618. Confirming existence or nonexistence of criminal history record information**

Except as provided in section 612, subsection 3, paragraph B, no criminal justice agency shall confirm the existence or nonexistence of criminal history record information to any person or agency that would not be eligible to receive the information itself.

1979, c. 433, § 2.

**§ 619. Unlawful dissemination**

1. **Offense.** A person is guilty of unlawful dissemination if he knowingly disseminates criminal history information in violation of any of the provisions of this subchapter.

2. **Classification.** Unlawful dissemination is a Class E crime.

1979, c. 433, § 2.

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### § 620. Right to access and review

1. **Inspection.** Any person or his attorney may inspect the criminal history record information concerning him maintained by a criminal justice agency. A person's right to inspect or review criminal history record information shall not include access to intelligence and investigative information or any other information which is not criminal history record information. A criminal justice agency may prescribe reasonable hours and locations at which the right may be exercised and any additional restrictions, including satisfactory verification of identity by fingerprint comparison, as are reasonably necessary. These restrictions shall be to insure the security and confidentiality of the criminal history record information and to verify the identity of the person seeking to inspect that information. The agency shall supply the person or his attorney with a copy of the criminal history record information pertaining to him on request and payment of a reasonable fee.

2. **Review.** A person or his attorney may request amendment or correction of criminal justice record information concerning him by addressing, either in person or by mail, his request to the criminal justice agency in which the information is maintained. The request shall indicate the particular record involved, the nature of the correction sought and the justification for the amendment or correction.

On receipt of a request, the criminal justice agency shall take necessary steps to determine whether the questioned information is accurate and complete. If investigation reveals that the questioned information is inaccurate or incomplete, the agency shall immediately correct the error or deficiency and advise the requesting person that the correction or amendment has been made.

Not later than 15 days, excluding Saturdays, Sundays and legal public holidays, after the receipt of a request, the agency shall notify the requesting person in writing either that the agency has corrected the error or deficiency or that it refuses to make the requested amendment or correction. The notice of refusal shall include the reasons therefor, the procedure established by the agency for requesting a review by the head of the agency of that refusal and the name and business address of that official.

3. **Administrative appeal.** If there is a request for review, the head of the agency shall, not later than 30 days from the date of the request, excluding Saturdays, Sundays and legal public holidays, complete the review and either make the requested amendment or correction or refuse to do so. If the head of the agency refuses to make the requested amendment or correction, he shall permit the requesting person to file with the agency a concise statement setting forth the reasons for his disagreement with the refusal. He shall also notify the person of the provisions for judicial review of the reviewing official's determination under subsection 4.

Dissemination of the disputed criminal history record information by that agency with which the requesting person has filed a statement of disagreement, occurring after the filing of such statement, shall clearly reflect notice of the dispute. A copy of the statement shall be included, along with, if the agency deems it appropriate, copies of a concise statement of the reasons of the agency for not making the amendment or correction requested.

4. **Judicial review.** If an administrative appeal brought pursuant to subsection 3 is denied by the head of the agency, or the requesting person believes the decision of the head of the agency to be otherwise unsatisfactory, the person may, within 30 days of the decision rendered by the head of the agency, seek relief in the Superior Court.

5. **Notification.** When a criminal justice agency has amended or corrected a person's criminal history record information in response to written request as provided in subsection 2 or a court order, the agency shall, within 30 days thereof, advise all prior recipients, who have received that informa-

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tion within the year prior to the amendment or correction, of the amendment or correction. It shall also notify the person of compliance with that requirement and the prior recipients notified.

6. **Right of release.** The provisions of this subchapter shall not limit the right of a person to disseminate to any other person criminal history record information pertaining to himself.

1979, c. 233, § 2.

### § 621. Repealed. Laws 1993, c. 719, § 8

#### Historical and Statutory Notes

This section, which provided that nothing in subchapter VIII required dissemination of information or records of the Attorney General that were declared to be confidential under 5 M.R.S.A. § 2000-D, was derived from: Laws 1979, c. 433, § 2; Laws 1993, c. 376, § 2.

### § 622. Application

The provisions of this subchapter shall apply to criminal history record information in existence before July 29, 1976, including that which has been previously expunged under any other provision of Maine law, as well as to criminal history record information in existence on July 29, 1976 and thereafter.

1979, c. 433, § 2.

### § 631. Maine Criminal Justice Information System

There is created, within the Department of Public Safety, an information clearinghouse to be known as the Maine Criminal Justice Information System. The Maine Criminal Justice Information System shall provide criminal justice agencies and authorized private users ready access to shared uniform information on criminal offenders and crime data, including:

1. **Offender tracking information.** Offender-based tracking information, including any active status of offenders in the criminal justice system;
2. **Criminal history information.** Criminal history record information that includes information on the potential risk of individuals;
3. **Crime data.** Specific crime data for investigations and statistical analysis;
4. **Warrant information.** Warrant and wanted persons information;
5. **Stolen property information.** Stolen property listings; and
6. **Other information.** Other information available through communications or networking with other states or federal criminal justice agencies, or both.

1993, c. 346, § 1.

**§ 632. Definitions**

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

1. **Administration of criminal justice.** "Administration of criminal justice" has the same meaning as defined in section 611, subsection 1.
  2. **Conviction data.** "Conviction data" has the same meaning as defined in section 611, subsection 2.
  3. **Criminal history record information.** "Criminal history record information" has the same meaning as defined in section 611, subsection 3.
  4. **Criminal justice agency.** "Criminal justice agency" has the same meaning as defined in section 611, subsection 4.
  5. **Criminal record information system.** "Criminal record information system" means a system including equipment, facilities, procedures and agreements for the collection, processing, preservation and dissemination of criminal record information including criminal history record information.
  6. **Disposition.** "Disposition" has the same meaning as defined in section 611, subsection 5.
  7. **Executive order.** "Executive order" has the same meaning as defined in section 611, subsection 7.
  8. **Nonconviction data.** "Nonconviction data" has the same meaning as defined in section 611, subsection 9.
  9. **Offender.** "Offender" means an individual, juvenile or adult, accused or convicted of a criminal offense under the laws of this State or federal law.
  10. **Offender-based tracking information.** "Offender-based tracking information" means information collected during the administration of criminal justice by criminal justice agencies related to an identifiable person who has been determined to be an offender.
  11. **Person.** "Person" has the same meaning as defined in section 611, subsection 10.
  12. **State.** "State" has the same meaning as defined in section 611, subsection 11.
  13. **Statute.** "Statute" has the same meaning as defined in section 611, subsection 12.
- 1993, c. 346, § 1.

**§ 633. Policy board established; membership**

There is established the Maine Criminal Justice Information System Policy Board referred to in this subchapter as the "board." The board consists of 13 members that includes the Attorney General, the Commissioner of Public Safety, the Commissioner of Corrections, the Commissioner of Inland Fisheries and Wildlife, the State Court Administrator, the Chief of the State Police, the Director of the Division of Probation and Parole, the Director of the Bureau of Information Services, a representative of the Maine Prosecutors Association appointed by the Attorney General, a representative of the Maine Chiefs of Police Association appointed by the Commissioner of Public Safety, a representative of the Maine Sheriff's Association appointed by the Commissioner of Public Safety, a representative of a federal criminal justice agency appointed by the Governor and a public member who represents private users of criminal offender record information appointed by the Governor.

1993, c. 346, § 1.

**§ 634. Term of membership**

The Attorney General, the Commissioner of Public Safety, the Commissioner of Corrections, the Commissioner of Inland Fisheries and Wildlife, the State Court Administrator, the Chief of the State Police, the Director of the Division of Probation and Parole and the Director of the Bureau of Information Services are members of the board during their terms of office and may appoint designees to serve in their place. The other members of the board serve terms of 3 years. Members of the board serve without compensation, except for reimbursement for actual expenses incurred in the performance of their duties. Any vacancy on the board must be filled in the same manner as the original appointment, but only for the unexpired term.

1993, c. 346, § 1.

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### § 635. Duties

The board has the following duties.

1. **Establish policies.** The board shall establish policies and practices necessary to provide ready access to shared, uniform information on criminal offenders and crime data.

2. **Establish information standards.** The board shall establish, maintain and promote minimum standards for accessing the Maine Criminal Justice Information System to ensure complete, accurate and up-to-date information is received by criminal justice agencies and authorized private users. These standards include:

- A. Completeness and accuracy of information;
- B. Limitations on access and dissemination of information;
- C. System audits;
- D. System security;
- E. Individuals' rights to the review of records;
- F. Hardware and software requirements;
- G. Networking and communications; and
- H. Personnel qualifications and training.

3. **Recommendation of fees.** The board may recommend to the Information Services Policy Board established in Title 5, section 1891, reasonable fees to defray the cost of operating the Maine Criminal Justice Information System.

1993, c. 346, § 1.

### § 636. Administration

The Department of Public Safety shall provide general administrative oversight for the board's policies and responsibilities. The Department of Public Safety, the Bureau of Information Services and other criminal justice agencies when appropriate may employ personnel necessary to carry out the purposes of the Maine Criminal Justice Information System, lease, rent or acquire adequate equipment and facilities, accept federal funds or grants that are available to carry out or implement its purpose and provide technical assistance and training to criminal justice agencies necessary to meet minimum standards for access.

1993, c. 346, § 1.

### § 637. Meetings

The board may meet at such time or times as necessary to carry out its duties, but at least one time in each calendar quarter at a place and time as the board determines and at the call of the chair. The board shall elect annually a chair, vice-chair, secretary and a treasurer from among its members.

1993, c. 346, § 1.

## Title 25

### Records

### § 1631. Records confidential

All criminal and administrative records of the State Police and the Bureau of Identification are declared to be confidential, except:

1. **Operational reports.** Operational reports by the bureau;

2. **Activity reports.** Activity reports by the bureau;

3. **Names.** Names of State Police applicants;

4. **Promotions.** Promotions;

5. **Resignations.** Resignations;

6. **Discharges.** Discharges;

7. **Retirements.** Retirements;

8. **Statistical reports.** Statistical reports by Bureau of Identification;



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9. **Accident reports.** Accident reports;
10. **Further statistical reports.** Statistical reports by Division of Traffic Records;
11. **Accident information.** Accident information on pending cases which would not jeopardize the investigation or prosecution of such cases;
12. **Further statistical reports.** Statistical reports by Division of Criminal Investigation;
13. **Open court information.** Information made available in open court;
14. **Pending case information.** Information on pending cases which would not jeopardize the investigation or prosecution;
15. **Further statistical reports.** Statistical reports by Division of Special Services on truck weights, public utility enforcement and beano;
16. **Audits.** Annual audits.

Such records other than the exceptions listed may be subpoenaed by a court of record.

1959, c. 223, § 1. 1971, c. 592, § 37.

## Title 25

### Internal Security and Safety

#### § 2904. Bureau of Capital Security

1. **Commissioner of Public Safety.** Except as provided in subsection 2, the Commissioner of Public Safety is authorized and empowered to promulgate rules, subject to the approval of the Governor, governing the security regarding use and occupancy of all parks, grounds, buildings and appurtenances maintained by the State at the seat of government. These rules shall become effective upon deposit of a copy with the Secretary of State, who shall forward a copy attested under the Great Seal of the State to the District Court for Southern Kennebec.

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### § 408. Public records available for public inspection

Except as otherwise provided by statute, every person shall have the right to inspect and copy any public record during the regular business hours of the custodian or location of such record: provided that, whenever inspection cannot be accomplished without translation of mechanical or electronic data compilations into some other form, the person desiring inspection may be required to pay the State in advance the cost of translation and both translation and inspection may be scheduled to occur at such time as will not delay or inconvenience the regular activities of the agency or official having custody of the record sought and provided further that the cost of copying any public record to comply with this section shall be paid by the person requesting the copy.

1975, c. 758.

### § 409. Appeals

1. **Records.** If any body or agency or official, who has custody or control of any public record, shall refuse permission to so inspect or copy or abstract a public record, this denial shall be made by the body or agency or official in writing, stating the reason for the denial, within 10 days of the request for inspection by any person. Any person aggrieved by denial may appeal therefrom, within 10 days of the receipt of the written notice of denial, to any Superior Court within the State. If a court, after a trial de novo, determines such denial was not for just and proper cause, it shall enter an order for disclosure. Appeals shall be privileged in respect to their assignment for trial over all other actions except writs of habeas corpus and actions brought by the State against individuals.

2. **Actions.** If any body or agency approves any ordinances, orders, rules, resolutions, regulations, contracts, appointments or other official action in an executive session, this action shall be illegal and the officials responsible shall be subject to the penalties hereinafter provided. Upon learning of any such action, any person may appeal to any Superior Court in the State. If a court, after a trial de novo, determines this action was taken illegally in an executive session, it shall enter an order providing for the action to be null and void. Appeals shall be privileged in respect to their assignment for trial over all other actions except writs of habeas corpus or actions brought by the State against individuals.

3. **Proceedings not exclusive.** The proceedings authorized by this section shall not be exclusive of any other civil remedy provided by law.

1975, c. 758.

### § 410. Violations

A willful violation of any requirement of this subchapter is a Class E crime.

1975, c. 758.

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## CHAPTER 13

### PUBLIC RECORDS AND PROCEEDINGS

#### § 401. Declaration of public policy; rules of construction

The Legislature finds and declares that public proceedings exist to aid in the conduct of the people's business. It is the intent of the Legislature that their actions be taken openly and that the records of their actions be open to public inspection and their deliberations be conducted openly. It is further the intent of the Legislature that clandestine meetings, conferences or meetings held on private property without proper notice and ample opportunity for attendance by the public not be used to defeat the purposes of this subchapter.

This subchapter shall be liberally construed and applied to promote its underlying purposes and policies as contained in the declaration of legislative intent.

1975, c. 758.

#### § 402. Definitions

3. **Public records.** The term "public records" shall mean any written, printed or graphic matter or any mechanical or electronic data compilation from which information can be obtained, directly or after translation into a form susceptible of visual or aural comprehension, that is in the possession or custody of an agency or public official of this State or any of its political subdivisions and has been received or prepared for use in connection with the transaction of public or governmental business or contains information relating to the transaction of public or governmental business, except:

A. Records that have been designated confidential by statute;

B. Records that would be within the scope of a privilege against discovery or use as evidence recognized by the courts of this State in civil or criminal trials if the records or inspection thereof were sought in the course of a court proceeding;

C. Records, working papers and interoffice and intraoffice memoranda used or maintained by any Legislator, legislative agency or legislative employee to prepare proposed Senate or House papers or reports for consideration by the Legislature or any of its committees during the biennium in which the proposal or report is prepared; and

D. Material prepared for and used specifically and exclusively in preparation for negotiations, including the development of bargaining proposals to be made and the analysis of proposals received, by a public employer in collective bargaining with its employees and their designated representatives.

E. Records, working papers, interoffice and intraoffice memoranda used by or prepared for faculty and administrative committees of the Maine Maritime Academy and the University of Maine. The provisions of this paragraph do not apply to the boards of trustees, the committees and subcommittees of those boards, and the administrative council of the University of Maine, which are referred to in section 402, subsection 2, paragraph B.

1975, c. 758; 1977, c. 104, §§ 1, 2.