



Janet T. Mills
Governor

Michael J. Sauschuck
Commissioner

STATE OF MAINE
Department of Public Safety
MAINE STATE POLICE

45 Commerce Drive - Suite 1
Augusta, Maine 04333



COL. Bill G. Ross
Chief

LTC. Brian P. Scott
Deputy Chief

Testimony of Major Scott A. Gosselin
Maine State Police

Opposed to LD 1056

An Act Restricting State Assistance in Federal Collection of Personal Electronic Data and Metadata
Sponsored by Senator Brakey
Joint Standing Committee on Judiciary

Senator Carney, Representative Moonen and other distinguished members of the joint standing committee on Judiciary. My name is Major Scott Gosselin and I am here representing the Maine State Police and the Department of Public Safety and to testify in opposition to LD 1056.

This bill seeks to prevent collaboration between the State of Maine government and the United States federal government. At first glance, the bill looks to affirm very basic tenets of criminal law such as those identified in the 4th Amendment of the US Constitution and subsequent and related case law. The devil is in the details however with this proposed legislation. Because this legislation is extremely broad and vague it is difficult to determine exactly how much information will be excluded from our collaboration with our federal partners, but I have identified a few items to consider:

1. By federal statute, ESPs (electronic service providers) report child pornography transmissions to the NCMEC who in turn report those same transactions to state authorities such as the Computer Crimes Unit. Those reports you know as Cyber-tips have sender/receiver information, sometimes locale information and some content data. This bill would mean that the Maine State Police Computer Crimes Unit would not be able to share those tips in that same form with our federal partners who help us with these cases. It should be noted that we do rely on collaboration from our federal partners with assistance on many of these case in terms of technology and manpower assistance.
2. Reports of crime in the form of Screenshots from social media (Snapchat, Facebook, Twitter etc.) conversations as related to school threats, threats to others, hate crimes etc. would not be able to be shared with our federal partners since by their very essence they exist in digital form and would be included as items prohibited from federal collaboration.
3. Reports of crime in the form of email threads would not be able to be shared with our federal partners also because by their very essence they exist in digital form and would thus be included as items prohibited from collaboration with our federal partners.

In summation, as currently written, this proposed legislation would prevent us from sharing with our federal partners that criminal electronic or digital content which comes to us in the form of a criminal



Janet T. Mills
Governor

Michael J. Sauschuck
Commissioner

STATE OF MAINE
Department of Public Safety
MAINE STATE POLICE

45 Commerce Drive - Suite 1
Augusta, Maine 04333



COL. Bill G. Ross
Chief

LTC. Brian P. Scott
Deputy Chief

report from others (a third party) who were privy to the data and might have been victims themselves, are reporting victimization of a third party or are reporting a potential threat of violence.

There are three exceptions outlined in the bill that would allow us to cooperate with our federal partners:

- A. The person has given informed consent.*
- B. The collection or use of the electronic data or metadata is pursuant to a warrant, based upon probable cause, that particularly describes the person, place or thing to be searched or seized.*
- C. The collection or use of electronic data or metadata is in accordance with a legally recognized exception to the federal warrant requirements.*

We don't believe that any of these would eliminate our concerns as outlined above.

It is for these reasons that we remain opposed to LD 1056.