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Date: (Filing No. S-)

JUDICIARY

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**STATE OF MAINE
SENATE
126TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 72, L.D. 236, Bill, “An Act To Protect the Privacy of Citizens from Domestic Unmanned Aerial Vehicle Use”

Amend the bill by striking out the title and substituting the following:

'An Act To Regulate Domestic Unmanned Aerial Vehicle Use'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 25 MRSA Pt. 12 is enacted to read:

PART 12

UNMANNED AERIAL VEHICLES

CHAPTER 551

REGULATION OF UNMANNED AERIAL VEHICLES

§4501. Regulation of unmanned aerial vehicles

1. Findings. The Legislature finds that evolving technology regarding unmanned aerial vehicles presents a real benefit for security, for search and rescue efforts and for disaster prevention and relief, as well as a tool for the investigation of serious crimes, but the technology also presents a potential threat to the privacy of citizens of this State if used by law enforcement in the conduct of criminal investigations without appropriate guidelines and supervision.

2. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Law enforcement agency" has the same meaning as in section 3701, subsection 1.

1 B. "Unmanned aerial vehicle" means an aircraft operated without a physical human
2 presence within or on the aircraft that, in the manner in which the aircraft is used or
3 the manner in which it is equipped, is capable of performing audio or visual
4 surveillance.

5 **3. Acquisition of unmanned aerial vehicles.** The acquisition of an unmanned aerial
6 vehicle by a law enforcement agency must be approved by the governing body of the
7 governmental unit overseeing the law enforcement agency seeking to make such an
8 acquisition or, in the case of a state agency, by the commissioner of that agency.

9 **4. Law enforcement agency operation of unmanned aerial vehicles.** A law
10 enforcement agency's operation of an unmanned aerial vehicle must fully comply with all
11 Federal Aviation Administration requirements and guidelines, including the acquisition of
12 a certificate of authorization or waiver from the Federal Aviation Administration.

13 **5. Prohibited and authorized uses.** Use of an unmanned aerial vehicle by a law
14 enforcement agency is governed by this subsection.

15 A. Before July 1, 2014, a law enforcement agency may not use an unmanned aerial
16 vehicle.

17 B. On or after July 1, 2014, a law enforcement agency may not use an unmanned
18 aerial vehicle before adopting standards in accordance with subsection 6.

19 C. A law enforcement agency may not use or facilitate the use of a weaponized
20 unmanned aerial vehicle.

21 D. A law enforcement agency may not use an unmanned aerial vehicle to conduct
22 surveillance on private citizens peacefully exercising their constitutional right of free
23 speech and assembly.

24 E. Notwithstanding paragraphs A and B, a law enforcement agency may use an
25 unmanned aerial vehicle for the purpose of an emergency search or rescue operation
26 when the law enforcement agency determines that use of an unmanned aerial vehicle
27 is necessary to alleviate an immediate danger to any person, or for training exercises
28 related to such uses. The determination that an emergency exists must be approved
29 by the chief administrative officer of the law enforcement agency, or the designee of
30 the chief administrative officer, or the Governor.

31 F. Notwithstanding paragraphs A and B, a law enforcement agency may use an
32 unmanned aerial vehicle for purposes other than the investigation of crime, including,
33 but not limited to, damage assessment, traffic accident assessment, flood stage
34 assessment and wildfire assessment.

35 **6. Policy standards.** The board, in consultation with the Office of the Attorney
36 General, shall establish standards for written policies or protocols for use of unmanned
37 aerial vehicles by law enforcement agencies. The standards must include at a minimum:

38 A. Training and certification requirements for a person operating an unmanned aerial
39 vehicle;

40 B. Requirements for prior authorization for the use of an unmanned aerial vehicle by
41 the chief administrative officer of the law enforcement agency seeking to use such a
42 vehicle;

1 C. Approval by the Attorney General or chief prosecuting attorney for the
2 appropriate jurisdiction for the deployment of an unmanned aerial vehicle for
3 criminal investigation purposes;

4 D. Restrictions on the use of night vision technology, high-powered zoom lenses,
5 video analytics, facial recognition technology, thermal imaging and other such
6 enhancement and analytic technology;

7 E. Recommended minimum altitudes and speeds at which an unmanned aerial
8 vehicle may be flown in order to minimize the invasion of privacy of 3rd parties who
9 are not under investigation;

10 F. Procedures to minimize intrusions into the private space of 3rd parties;

11 G. Procedures to minimize the inadvertent audio or visual recording of private
12 spaces of 3rd parties;

13 H. Procedures for destroying any unnecessary audio or visual recordings without
14 further duplication or dissemination;

15 I. Methods for tracking and recording the flight of each unmanned aerial vehicle;

16 J. Methods to minimize the number of unmanned aerial vehicles deployed at any one
17 time in any one area or at any one event;

18 K. Procedures to avoid hazards to persons and property on land and in the air due to
19 the operation of unmanned aerial vehicles;

20 L. Requirements for documenting the flight, location, purpose and result of the
21 deployment of an unmanned aerial vehicle;

22 M. Requirements for regular statistical reporting of all uses of unmanned aerial
23 vehicles, including the purposes, the results and the duration of such uses, to the
24 appropriate governmental bodies; and

25 N. Accountability of a law enforcement agency for any mistake in deployment or
26 misuse of an unmanned aerial vehicle, including sanctions as provided in section
27 2803-C or section 2806, as applicable.

28 **Sec. 2. Standards, data collection, report; legislation.** In developing
29 minimum standards for written policies or protocols for use of unmanned aerial vehicles
30 by law enforcement agencies as required in the Maine Revised Statutes, Title 25, section
31 2803-D, subsection 6, the Board of Trustees of the Maine Criminal Justice Academy shall
32 take into account individuals' reasonable expectation of privacy under the Fourth
33 Amendment of the United States Constitution. The board of trustees shall review the
34 options for collecting and reporting information on the use of unmanned aerial vehicles.
35 The board of trustees shall report to the Joint Standing Committee on Judiciary by
36 December 31, 2013 the following:

37 1. Minimum standards for written policies or protocols for use of unmanned aerial
38 vehicles by law enforcement agencies;

39 2. Recommendations to ensure that individuals' reasonable expectation of privacy is
40 protected; and

1 The Joint Standing Committee on Judiciary is authorized to report out legislation to
2 the Second Regular Session of the 126th Legislature upon receipt of the report.

3

FISCAL NOTE REQUIRED

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(See attached)