

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

Date: (Filing No. S-)

JUDICIARY

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE
SENATE
130TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 492, L.D. 1581, “An Act To Require Telecommunications Companies To Divulge Location Information to Law Enforcement When Necessary To Respond to a 9-1-1 Call or Locate a Person in Danger”

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

'An Act Regarding Access to Location Information'

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

'Sec. 1. 16 MRSA §650, sub-§4, as amended by PL 2019, c. 489, §16, is further amended to read:

4. Danger of death or serious physical injury. If the government entity reasonably believes that an emergency involving imminent danger of death or serious physical injury to a person requires the disclosure, without delay, of location information concerning a specific person and that a warrant cannot be obtained in time to prevent the identified danger, ~~and the possessor of the location information, in good faith, believes that an emergency involving danger of death or serious physical injury to a person requires the disclosure without delay.~~

Within a reasonable period of time after seeking disclosure pursuant to this subsection, the government entity seeking the location information shall file with the appropriate court a written statement setting forth the facts giving rise to the emergency and the facts as to why the person whose location information was sought is believed to be important in addressing the emergency.

Sec. 2. 16 MRSA §650, as amended by PL 2019, c. 489, §16, is further amended by enacting at the end a new paragraph to read:

An electronic communication service, remote computing service or location information service that possesses the location information shall provide the location information requested by a government entity under this section.'

COMMITTEE AMENDMENT

1 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
2 number to read consecutively.

3 **SUMMARY**

4 This amendment replaces the bill to avoid conflicting with current law governing
5 search warrant exceptions for obtaining location information associated with electronic
6 devices from electronic communication services.

7 This amendment removes the requirement that an electronic communication service
8 that possesses location information associated with an electronic device agree in good faith
9 that a situation involving danger of death or serious physical injury exists before sharing
10 the location information.

11 This amendment provides that electronic communication services, remote computing
12 services and location information services are required to provide the location information
13 that is requested by a government entity in any of the circumstances in which a warrant is
14 not required as currently provided in the Maine Revised Statutes, Title 16, section 650.