

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-THREE

—  
H.P. 934 - L.D. 1438

**An Act to Require Standard Procedures to Protect Stalking Victims and  
Access to Certain Criminal Complaints**

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

**Sec. 1. 16 MRSA §804, first ¶**, as amended by PL 2013, c. 507, §4, is further amended to read:

Except as provided in sections 805 805-A and 806, a record that is or contains intelligence and investigative record information is confidential and may not be disseminated by a Maine criminal justice agency to any person or public or private entity if there is a reasonable possibility that public release or inspection of the record would:

**Sec. 2. 16 MRSA §805**, as amended by PL 2013, c. 507, §5, is repealed.

**Sec. 3. 16 MRSA §805-A** is enacted to read:

**§805-A. Exceptions**

**1. Dissemination of certain information.** This chapter does not preclude dissemination of intelligence and investigative record information that is confidential under section 804 by a Maine criminal justice agency to:

A. Another criminal justice agency;

B. A person or public or private entity as part of the criminal justice agency's administration of criminal justice or the administration of civil justice by the Department of the Attorney General or a district attorney's office;

C. A person accused of a crime or that person's agent or attorney for trial and sentencing purposes if authorized by:

(1) The responsible prosecutorial office or prosecutor; or

(2) A court rule, court order or court decision of this State or of the United States.

As used in this subsection, "agent" means a licensed professional investigator, an expert witness or a parent, foster parent or guardian if the accused person has not attained 18 years of age;

D. A federal court, the District Court, Superior Court or Supreme Judicial Court or an equivalent court in another state;

E. A person or public or private entity expressly authorized to receive the intelligence and investigative record information by statute, executive order, court rule, court decision or court order. "Express authorization" means language in the statute, executive order, court rule, court decision or court order that specifically speaks of intelligence and investigative record information or specifically refers to a type of intelligence or investigative record; or

F. The Secretary of State for use in the determination and issuance of a driver's license suspension.

2. Record of complaint. On request to a Maine criminal justice agency under the Freedom of Access Act, a person is entitled to receive one copy of a complaint made by that person. The criminal justice agency may not charge a fee for a copy of a complaint provided under this subsection.

**Sec. 4. 16 MRSA §806, sub-§2**, as amended by PL 2013, c. 507, §7, is further amended to read:

**2. A crime victim or that victim's agent or attorney.** A crime victim or that victim's agent or attorney. A Maine criminal justice agency that provides a copy of intelligence and investigative record information under this subsection to the crime victim or that victim's agent or attorney may not charge a fee for providing that information. As used in this subsection, "agent" means a licensed professional investigator, an insurer or an immediate family member, foster parent or guardian if due to death, age or physical or mental disease, disorder or defect the victim cannot realistically act on the victim's own behalf; or

**Sec. 5. 19-A MRSA §4116, sub-§2, ¶A**, as enacted by PL 2021, c. 647, Pt. A, §3 and affected by Pt. B, §65, is amended to read:

A. The incident report from a law enforcement agency submitted to the attorney for the State that is most relevant to the criminal proceeding, which the certified domestic violence intervention program is authorized to receive pursuant to Title 16, section ~~805~~, subsection 5 805-A, subsection 1, paragraph E; and

**Sec. 6. 25 MRSA §2803-B, sub-§1, ¶D**, as corrected by RR 2021, c. 2, Pt. A, §88, is amended by amending subparagraph (4) to read:

(4) Standard procedures to ensure that protection from abuse orders issued under Title 19-A, section 4108 or 4110 are served on the defendant as quickly as possible; ~~and~~

**Sec. 7. 25 MRSA §2803-B, sub-§1, ¶D**, as corrected by RR 2021, c. 2, Pt. A, §88, is amended by amending subparagraph (5) to read:

(5) A process for the administration of a validated, evidence-based domestic violence risk assessment recommended by the Maine Commission on Domestic and Sexual Abuse, established in Title 5, section 12004-I, subsection 74-C, and approved by the Department of Public Safety and the conveyance of the results of that assessment to the bail commissioner, if appropriate, and the district attorney for the county in which the domestic violence occurred; and

**Sec. 8. 25 MRSA §2803-B, sub-§1, ¶D**, as corrected by RR 2021, c. 2, Pt. A, §88, is amended by enacting a new subparagraph (6) to read:

(6) A process to ensure that, when a person files multiple, separate complaints regarding the behavior of another person that may indicate a course of conduct constituting stalking, as defined in Title 17-A, section 210-A, those complaints are reviewed together to determine if the other person has engaged in stalking under Title 17-A, section 210-A;

**Sec. 9. 29-A MRSA §2251, sub-§7-A, ¶B**, as amended by PL 2013, c. 267, Pt. B, §24, is further amended to read:

B. Except as provided in paragraph B-1 and Title 16, section 805, ~~subsection 6~~ 805-A, subsection 1, paragraph F, the Department of Public Safety, Bureau of State Police may not publicly disseminate personally identifying accident report data that are contained in an accident report database maintained, administered or contributed to by the Bureau of State Police. Such data are not public records for the purposes of Title 1, chapter 13.