

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND SIXTEEN

—
H.P. 1010 - L.D. 1487

An Act To Amend the Laws on Protection from Abuse, Protection from Harassment and Unauthorized Dissemination of Certain Private Images

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, Public Law 2015, chapter 339 enacted laws regarding the new crime of unauthorized dissemination of certain private images, to address activity known informally as revenge pornography, effective October 15, 2015; and

Whereas, Public Law 2015, chapter 339 included coordination with some but not all related sections of the laws on protection from abuse; and

Whereas, Public Law 2015, chapter 339 did not include provisions to seal in court records unauthorized private images and written information describing and directly pertaining to the images; and

Whereas, full coordination with the related sections of the protection from abuse laws and enactment of provisions to seal certain images and information in court records are immediately necessary for the effective implementation of Public Law 2015, chapter 339;

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

PART A

Sec. A-1. 17-A MRSA §511-A, sub-§5 is enacted to read:

5. Access to and dissemination of certain private images as described in subsection 1 and any written information describing and directly pertaining to the images contained in

court records are governed by rule or administrative order adopted by the Supreme Judicial Court.

PART B

Sec. B-1. 19-A MRSA §4002, sub-§1, ¶¶E and F, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, are amended to read:

E. Communicating to a person a threat to commit, or to cause to be committed, a crime of violence dangerous to human life against the person to whom the communication is made or another, and the natural and probable consequence of the threat, whether or not that consequence in fact occurs, is to place the person to whom the threat is communicated, or the person against whom the threat is made, in reasonable fear that the crime will be committed; ~~or~~

F. Repeatedly and without reasonable cause:

(1) Following the plaintiff; or

(2) Being at or in the vicinity of the plaintiff's home, school, business or place of employment; or

Sec. B-2. 19-A MRSA §4002, sub-§1, ¶G is enacted to read:

G. Engaging in the unauthorized dissemination of certain private images as prohibited pursuant to Title 17-A, section 511-A.

Sec. B-3. 19-A MRSA §4006, sub-§5, ¶¶E and F, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, are amended to read:

E. Taking, converting or damaging property in which the plaintiff may have a legal interest; ~~or~~

F. Having any direct or indirect contact with the plaintiff; or

Sec. B-4. 19-A MRSA §4006, sub-§5, ¶G is enacted to read:

G. Engaging in the unauthorized dissemination of certain private images as prohibited pursuant to Title 17-A, section 511-A.

Sec. B-5. 19-A MRSA §4007, sub-§1, ¶M, as amended by PL 2005, c. 510, §11, is further amended to read:

M. Entering any other orders determined necessary or appropriate in the discretion of the court; ~~or~~

Sec. B-6. 19-A MRSA §4007, sub-§1, ¶N, as enacted by PL 2005, c. 510, §12, is amended to read:

N. Directing the care, custody or control of any animal owned, possessed, leased, kept or held by either party or a minor child residing in the household;

Sec. B-7. 19-A MRSA §4007, sub-§1, ¶¶O and P are enacted to read:

O. With respect to unauthorized dissemination of certain private images as described in Title 17-A, section 511-A, ordering the defendant to remove, destroy or return or to direct the removal, destruction or return of the private images, ordering the defendant to cease the dissemination of the private images and prohibiting the defendant from disseminating the private images; or

P. With respect to unauthorized dissemination of certain private images as described in Title 17-A, section 511-A, entering any orders determined necessary or appropriate in the discretion of the court, including but not limited to ordering the defendant to pay costs associated with removal, destruction or return of the private images.

Sec. B-8. 19-A MRSA §4008-A is enacted to read:

§4008-A. Access to certain private images and written information

Access to and dissemination of certain private images as described in Title 17-A, section 511-A and any written information describing and directly pertaining to the images contained in court records are governed by rule or administrative order adopted by the Supreme Judicial Court.

PART C

Sec. C-1. 5 MRSA §4651, sub-§2, ¶C, as amended by PL 2001, c. 134, §1, is further amended to read:

C. A single act or course of conduct constituting a violation of section 4681; Title 17, section 2931; or Title 17-A, sections 201, 202, 203, 204, 207, 208, 209, 210, 210-A, 211, 253, 301, 302, 303, 506-A, 511, 511-A, 556, 802, 805 or 806.

Sec. C-2. 5 MRSA §4654, sub-§4, ¶F, as amended by PL 1995, c. 650, §6, is further amended to read:

F. Repeatedly and without reasonable cause:

- (1) Following the plaintiff; or
- (2) Being at or in the vicinity of the plaintiff's home, school, business or place of employment; ~~or~~

Sec. C-3. 5 MRSA §4654, sub-§4, ¶G, as enacted by PL 1995, c. 650, §7, is amended to read:

G. Having any direct or indirect contact with the plaintiff; or

Sec. C-4. 5 MRSA §4654, sub-§4, ¶H is enacted to read:

H. Engaging in the unauthorized dissemination of certain private images as prohibited pursuant to Title 17-A, section 511-A.

Sec. C-5. 5 MRSA §4655, sub-§1, ¶¶E and F, as amended by PL 1993, c. 475, §2, are further amended to read:

E. Ordering the defendant to pay court costs or reasonable attorney's fees; ~~and~~

F. Entering any other orders determined necessary or appropriate in the discretion of the court;

Sec. C-6. 5 MRSA §4655, sub-§1, ¶¶G and H are enacted to read:

G. With respect to unauthorized dissemination of certain private images as described in Title 17-A, section 511-A, ordering the defendant to remove, destroy or return or to direct the removal, destruction or return of the private images, ordering the defendant to cease the dissemination of the private images and prohibiting the defendant from disseminating the private images; or

H. With respect to unauthorized dissemination of certain private images as described in Title 17-A, section 511-A, entering any orders determined necessary or appropriate in the discretion of the court, including but not limited to ordering the defendant to pay costs associated with removal, destruction or return of the private images.

Sec. C-7. 5 MRSA §4661 is enacted to read:

§4661. Access to certain private images and written information

Access to and dissemination of certain private images as described in Title 17-A, section 511-A and any written information describing and directly pertaining to the images contained in court records are governed by rule or administrative order adopted by the Supreme Judicial Court.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.