



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 531

S.P. 200

In Senate, February 26, 2015

An Act To Establish the Maine Fourth Amendment Protection Act

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in black ink, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator BRAKEY of Androscoggin.
Cosponsored by Representative GUERIN of Glenburn and
Senators: DAVIS of Piscataquis, PATRICK of Oxford, Representatives: BATES of
Westbrook, CHIPMAN of Portland, RUSSELL of Portland, SIROCKI of Scarborough.

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

2 **Sec. 1. 15 MRSA c. 100-A** is enacted to read:

3 **CHAPTER 100-A**

4 **MAINE FOURTH AMENDMENT PROTECTION ACT**

5 **§671. Short title**

6 This chapter may be known and cited as "the Maine Fourth Amendment Protection
7 Act."

8 **§672. Prohibition on assistance to federal agencies engaged in collection of**
9 **electronic data or metadata**

10 The State and its political subdivisions may not assist, participate with or provide
11 material support or resources to enable or facilitate a federal agency in the collection or
12 use of a person's electronic data or metadata without:

13 **1. Informed consent.** That person's informed consent;

14 **2. Warrant.** A warrant based upon probable cause that particularly describes the
15 person, place or thing to be searched or seized; or

16 **3. Legally recognized exception.** Acting in accordance with a legally recognized
17 exception to the warrant requirements.

18 **SUMMARY**

19 This bill prohibits the State and its political subdivisions from assisting, participating
20 with or providing material support or resources to enable or facilitate a federal agency in
21 the collection or use of a person's electronic data or metadata without the person's
22 informed consent, without a warrant based upon probable cause that particularly
23 describes the person, place or thing to be searched or seized or without acting in
24 accordance with a legally recognized exception to the warrant requirements.