



MAINE CHIEFS OF POLICE ASSOCIATION

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Statement in Opposition to L.D. 1576, An Act to Update the Laws Governing Electronic Device Information as Evidence May 22, 2023

Senator Carney, Representative Moonen, and members of the distinguished Committee on Judiciary. My name is Charles Rumsey. I am the Chief of the Cumberland Police Department, and the President of the Maine Chiefs of Police Association. I am submitting testimony on behalf of the Maine Chiefs of Police Association against LD 1576.

The Mission of the Maine Chiefs of Police is to secure a closer official and personal relationship among Maine Police Officials; to secure a unity of action in law enforcement matters; to enhance the standards of police personnel, police training and police professionalism generally; to devise ways and means for equality of law enforcement throughout the state of Maine; to advance the prevention and detection of crime; to prescribe to the Law Enforcement Code of Ethics; and to promote the profession of law enforcement as an integral and dedicated force in today's society sworn to the protection of life and property.

According to the bill summary,

This bill amends the provisions of law relating to portable electronic device content information by:

1. Replacing the term "portable electronic device" with the term "electronic device" and redefining the term;
2. Replacing the term "content information" with the terms "electronic communication information" and "electronic device information";
3. Adding definitions of the terms "electronic communication" and "subscriber information"; and
4. Clarifying the circumstances in which a government entity may obtain certain electronic communication information or access electronic device information pursuant to a search warrant.

As we stated in LD 1883, the Maine Chiefs do not believe that statutory changes are necessary for search warrants. The body of law dealing with the Fourth Amendment in the United States Constitution and Article 1, Section 5 in the Maine Statute Constitution has been properly balanced by the courts to ensure that individuals continue to have a reasonable expectation of privacy and to ensure that the governments' need to protect the public.

A number of the sections of this bill would change the circumstances in which law enforcement may obtain information with or without a warrant. The courts have been the leader in interpreting the constitution and structuring the circumstances in which a search warrant should be obtained. We should allow them to continue to balance the rights of the individual and the rights of the community to be safe. We are deeply concerned that the passage of this legislation would make it more difficult to investigate crimes such as child pornography, and to rapidly respond to and mitigate the danger of threats posted online to commit acts such as school shootings.

On behalf of the Maine Chiefs of Police Association, we want to thank the committee members for your work on this Committee. And we would ask that you oppose LD 1576.