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May 22, 2023

Senator Anne Carney, Chair  
Representative Matt Moonen, Chair  
Committee on Judiciary  
100 State House Station  
Augusta, Maine 04333

Re: *L.D. 1576, An Act to Update the Laws Governing Electronic Device Information as Evidence*

Greetings, Senator Carney and Representative Moonen;

I am writing neither for nor against L.D. 1576, *An Act to Update the Laws Governing Electronic Device Information as Evidence*.

The United States and Maine Constitutions, along with the interpretive case law, prescribe how the State may obtain private information as part of a criminal investigation without unduly interfering in the rights of citizens. This legal framework balances an individual's privacy interests against the government's law enforcement interests. L.D. 1576 seeks to make significant changes to when the government can obtain digital information when it is in the possession of a third party. As written, this bill poses significant challenges to our criminal investigation operations, significantly impeding investigations into computer crimes, financial crimes, and homicides, among others.

This office has been in contact with the sponsor, who has indicated interest in continued discussion regarding possible exceptions permitting law enforcement to continue to operate as appropriate. If this bill may be carried over, we would use that time to continue to engage with the sponsor in those conversations.

Sincerely,

A handwritten signature in black ink that reads 'Aaron M. Frey'.

Aaron M. Frey  
Attorney General