

§806. Exceptions subject to reasonable limitations

Subject to reasonable limitations imposed by a Maine criminal justice agency to protect against the harms described in section 804, this chapter does not preclude dissemination of intelligence and investigative record information confidential under section 804 by a Maine criminal justice agency to: [PL 2013, c. 267, Pt. A, §3 (NEW).]

1. A government agency responsible for regulating facilities and programs providing care to children or adults. A government agency or subunit of a government agency in this State or another state that pursuant to statute is responsible for licensing or regulating the programs or facilities that provide care to children or incapacitated or dependent adults if the intelligence and investigative record information concerns the investigation of suspected abuse, neglect or exploitation; [PL 2021, c. 252, §1 (AMD).]

1-A. A government agency or subunit of a government agency responsible for investigating child or adult abuse. A government agency or subunit of a government agency in this State or another state that pursuant to statute is responsible for investigating abuse, neglect or exploitation of children or incapacitated or dependent adults if:

A. The intelligence and investigative record information is being provided in response to a request by that agency or subunit of an agency for records regarding a particular person or persons; and [PL 2021, c. 252, §2 (NEW).]

B. The intelligence and investigative record information relates to alleged or proven conduct that is criminal under Title 17-A, chapters 9, 11, 12, 13, 21, 23, 33, 35, 41, 43 or 45 by a person in paragraph A. [PL 2021, c. 252, §2 (NEW).]

The intelligence and investigative record information obtained pursuant to this subsection may be used only for the purpose for which it was obtained and, as necessary, for administrative or ombudsman office oversight of the agency or subunit of an agency obtaining the information; [PL 2021, c. 252, §2 (NEW).]

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 [PL 2023, c. 235, §4 (AMD).]

3. A counselor or advocate.
[PL 2015, c. 411, §1 (RP).]

4. A counselor or advocate. A sexual assault counselor, as defined in section 53-A, subsection 1, paragraph B, or an advocate, as defined in section 53-B, subsection 1, paragraph A. A person to whom intelligence and investigative record information is disclosed pursuant to this subsection:

A. May use the information only for planning for the safety of the victim of a sexual assault or domestic or family violence incident to which the information relates; [PL 2015, c. 411, §2 (NEW).]

B. May not further disseminate the information; [PL 2015, c. 411, §2 (NEW).]

C. Shall ensure that physical copies of the information are securely stored and remain confidential; [PL 2015, c. 411, §2 (NEW).]

D. Shall destroy all physical copies of the information within 30 days after their receipt; [PL 2015, c. 411, §2 (NEW).]

E. Shall permit criminal justice agencies providing such information to perform reasonable and appropriate audits to ensure that all physical copies of information obtained pursuant to this subsection are maintained in accordance with this subsection; and [PL 2015, c. 411, §2 (NEW).]

F. Shall indemnify and hold harmless criminal justice agencies providing information pursuant to this subsection with respect to any litigation that may result from the provision of the information to the person. [PL 2015, c. 411, §2 (NEW).]

[PL 2015, c. 411, §2 (NEW).]

SECTION HISTORY

PL 2013, c. 267, Pt. A, §3 (NEW). PL 2013, c. 507, §§6, 7 (AMD). PL 2015, c. 411, §§1, 2 (AMD). PL 2021, c. 252, §§1, 2 (AMD). PL 2023, c. 235, §4 (AMD).

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