1	L.D. 25
2	Date: (Filing No. H-)
3	JUDICIARY
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5	STATE OF MAINE
6	HOUSE OF REPRESENTATIVES
7	127TH LEGISLATURE
8	FIRST REGULAR SESSION
9 10	COMMITTEE AMENDMENT " " to H.P. 24, L.D. 25, Bill, "An Act To Protect the Privacy of Citizens from Domestic Unmanned Aerial Vehicle Uses"
11	Amend the bill by striking out the title and substituting the following:
12	'An Act To Regulate Domestic Unmanned Aerial Vehicle Use'
13 14	Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:
15	'Sec. 1. 25 MRSA Pt. 12 is enacted to read:
16	<u>PART 12</u>
17	<u>UNMANNED AERIAL VEHICLES</u>
18	CHAPTER 551
19	REGULATION OF UNMANNED AERIAL VEHICLES
20	§4501. Regulation of unmanned aerial vehicles
21 22 23 24 25 26 27	1. Findings. The Legislature finds that evolving technology regarding unmanned aerial vehicles presents a potential economic driver for the State, an opportunity for research and development and a very real benefit for security, for search and rescue efforts and for disaster prevention and relief, as well as a tool for the investigation of serious crimes, but the technology also presents a potential threat to the privacy of citizens of this State if used by law enforcement in the conduct of criminal investigations without appropriate guidelines and supervision.
28 29	2. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.
30 31	A. "Law enforcement agency" has the same meaning as in section 3701, subsection 1.

<u>B.</u>	"Unma	nned	aerial	vehicl	e" means a	an a	ircraft op	erat	ed withou	t a phys	ical
pre	sence v	vithin	or on	the air	craft that,	in t	he manne	er in	which the	aircraf	t is ı
the	manne	er in	which	it is	equipped,	is	capable	of	performin	g audio	or
	veilland										

- 3. Acquisition of unmanned aerial vehicles. The acquisition of an unmanned aerial vehicle by a law enforcement agency must be approved by the governing body of the governmental unit overseeing the law enforcement agency seeking to make such an acquisition or, in the case of a state agency, by the commissioner of that agency.
- 4. Law enforcement agency operation of unmanned aerial vehicles. A law enforcement agency's operation of an unmanned aerial vehicle must fully comply with all Federal Aviation Administration requirements and guidelines, including the acquisition of a certificate of authorization or waiver from the Federal Aviation Administration. Additionally, a law enforcement agency's use of an unmanned aerial vehicle is governed by the following provisions.
 - A. A law enforcement agency may not use an unmanned aerial vehicle before adopting standards that meet, at a minimum, the standards set forth in subsection 5.
 - B. Except as permitted by a recognized exception to the requirement for a warrant under the Constitution of Maine or the United States Constitution, a law enforcement agency may not use an unmanned aerial vehicle for criminal investigations without a warrant.
 - C. Notwithstanding paragraph A, a law enforcement agency may use an unmanned aerial vehicle for the purpose of a search and rescue operation when the law enforcement agency determines that use of an unmanned aerial vehicle is necessary to alleviate an immediate danger to any person or for training exercises related to such uses.
 - D. Notwithstanding paragraph A, a law enforcement agency may use an unmanned aerial vehicle for purposes other than the investigation of crime, including, but not limited to, aerial photography for the assessment of accidents, forest fires and other fire scenes, flood stages and storm damage.
- E. In no case may a weaponized unmanned aerial vehicle be used or its use facilitated by a state or local law enforcement agency in this State.
- F. A law enforcement agency may not use an unmanned aerial vehicle to conduct surveillance of private citizens peacefully exercising their constitutional rights of free speech and assembly.
- G. Notwithstanding paragraph A, a law enforcement agency may use an unmanned aerial vehicle for an emergency use approved by the chief administrative officer of the agency or the Governor.
- 5. Minimum standards for law enforcement. The Board of Trustees of the Maine
 Criminal Justice Academy, in consultation with the Office of the Attorney General, shall
 establish minimum standards for written policies and protocols for use of unmanned
 aerial vehicles by law enforcement agencies. The standards must include at a minimum:

1 2	A. Training and certification requirements for a person operating an unmanned aerial vehicle;
3 4 5	B. Requirements for prior authorization for the use of an unmanned aerial vehicle by the chief administrative officer of the law enforcement agency seeking to use such a vehicle;
6 7 8	C. Approval by the Attorney General or chief prosecuting attorney for the appropriate jurisdiction for the deployment of an unmanned aerial vehicle for criminal investigation purposes;
9 10 11	D. Restrictions on the use of night vision technology, high-powered zoom lenses, video analytics, facial recognition technology, thermal imaging and other such enhancement technology;
12 13	E. Procedures to minimize the inadvertent audio or visual recording of private spaces of 3rd parties who are not under investigation;
14 15	F. Procedures for destroying any unnecessary audio or visual recordings without further duplication or dissemination;
16 17 18	G. Recommended minimum altitudes and speeds at which an unmanned aerial vehicle may be flown in order to minimize the invasion of privacy of 3rd parties who are not under investigation;
19 20	H. Methods to minimize the number of unmanned aerial vehicles deployed at any one time in any one area or at any one event;
21 22	I. Procedures to avoid hazards to persons and property on land and in the air due to the operation of unmanned aerial vehicles;
23	J. Methods for tracking and recording the flight of each unmanned aerial vehicle;
24 25 26	K. Requirements for regular statistical reporting of all uses of unmanned aerial vehicles, including the purposes, the results and the duration of such uses, to the appropriate governmental bodies; and
27 28 29	L. Accountability of a law enforcement agency for any mistake in deployment or misuse of an unmanned aerial vehicle, including sanctions as provided in section 2803-C or section 2806-A, as applicable.
30 31 32 33 34 35 36	6. Data collection. On or before July 1, 2016 and July 1st of each subsequent year, the Commissioner of Public Safety shall submit to the Legislature a report containing the number of instances in which an unmanned aerial vehicle has been deployed by any law enforcement agency in the State with summary descriptions of the number of deployments for investigative purposes, the general nature of those investigations and the number of search warrants sought and the number of search warrants obtained for the deployment of unmanned aerial vehicles.'
37	SUMMARY
38	This amendment replaces the bill with various provisions regulating the use of

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unmanned aerial vehicles, also known as drones, by law enforcement agencies. This

amendment includes a legislative findings provision to recognize the potential benefits

39 40 and risks of the evolving technology of unmanned aerial vehicles and narrows the definition of "unmanned aerial vehicle" to include only vehicles with the capability of performing audio or visual surveillance.

It requires the governing body of the governmental unit overseeing a law enforcement agency to approve the acquisition of an unmanned aerial vehicle by the law enforcement agency. It requires that a law enforcement agency must comply with Federal Aviation Administration requirements when operating an unmanned aerial vehicle.

Under this amendment, a law enforcement agency may operate an unmanned aerial vehicle only after it has adopted the standards established by the Board of Trustees of the Maine Criminal Justice Academy. The amendment provides exceptions for the use of an unmanned aerial vehicle in search and rescue operations when the law enforcement agency determines that the use is necessary to alleviate immediate danger to any person or for training exercises to prepare for such uses and for an emergency use approved by the chief administrative officer of the agency or the Governor. In addition, a law enforcement agency may use unmanned aerial vehicles for purposes other than the investigation of crimes, such as aerial photography for the assessment of accidents, forest fires and other fire scenes, flood stages and storm damage.

This amendment prohibits a law enforcement agency from using a weaponized unmanned aerial vehicle. Additionally, a law enforcement agency may not use an unmanned aerial vehicle for criminal investigations without a warrant, except as permitted by a recognized exception to the requirement for a warrant under the Constitution of Maine or the United States Constitution. The amendment also prohibits law enforcement use of an unmanned aerial vehicle to conduct surveillance of private citizens peacefully exercising their rights of free speech and assembly.

This amendment requires the Board of Trustees of the Maine Criminal Justice Academy to establish minimum standards for written policies and protocols for use of unmanned aerial vehicles and the Commissioner of Public Safety to annually report to the Legislature.

FISCAL NOTE REQUIRED

(See attached)