

**STATE OF MAINE
SUPREME JUDICIAL COURT**

PROPOSED ADMINISTRATIVE ORDER JB-16-__

**PLACEMENT OF CERTAIN FILED DOCUMENTS, IMAGES,
AND RECORDINGS UNDER SEAL**

Effective: _____, 2016

I. AUTHORITY

Pursuant to 4 M.R.S. §§ 1, 17(15), the Supreme Judicial Court hereby issues this Administrative Order impounding and limiting access to private images and information that may be protected from disclosure by law, but may of necessity have to be filed in a court action to prosecute a crime or to protect fundamental rights and interests.

**II. CATEGORIES OF DOCUMENTS, IMAGES, AND RECORDINGS
UNDER SEAL IN CERTAIN COURT ACTIONS**

To respect the law and to ensure equal access to justice, the courts must assure that documents, images, or recordings that fall within certain categories do not become publicly available. Prosecution of certain crimes and litigation of certain civil actions, including domestic relations matters, protection from abuse and protection from harassment claims, and actions for protection of individuals, including claims for defamation, invasion of privacy, or violation of civil rights, may require that documents or images that fall within the categories of items described below become part of the court file. When such documents or images become part of the court file, such documents or images retain the protections established by law.

- A. By law, personal income tax returns, personal health records maintained by medical care providers, and personal academic records maintained by educational institutions are private and not subject to disclosure, except with the approval of the person who is the subject of the record.
- B. It is a crime for a person, without permission and with the intent to harass, torment, or threaten the depicted person, to knowingly disseminate, display, or publish a photograph, videotape, film, or

digital recording of another person in a state of nudity or engaged in a sexual act or sexual contact.

- C. It is a crime for a person to create or possess any photograph, videotape, film, or digital recording of any minor child engaged in a sexual act or sexual contact or in a state of nudity that may constitute a sexual display.

III. SEALING OF DOCUMENTS

In any criminal, family, or civil action, any document, image, or recording (including a photograph, videotape, film, or digital recording) that falls within the categories described above that is submitted to the court as part of a filing or as an exhibit, shall, whenever authorized by the court, be placed under seal by the court clerk and will be available only to court staff, the parties, and their counsel, unless otherwise ordered by the court. Any party to the action, or any attorney representing a party to the action, may make arrangements to view the sealed document or image at the courthouse. Any other release shall be by court order.