**§10-107. Disclosure of content of electronic communications of deceased user**

If a deceased user consented to or a court directs disclosure of the content of electronic communications of the user, the custodian shall disclose to the personal representative of the estate of the user the content of an electronic communication if the representative gives the custodian: [PL 2019, c. 417, Pt. A, §107 (NEW).]

**1. Written request.**  A written request for disclosure in physical or electronic form;

[PL 2019, c. 417, Pt. A, §107 (NEW).]

**2. Death certificate.**  A copy of the death certificate of the user;

[PL 2019, c. 417, Pt. A, §107 (NEW).]

**3. Letters of appointment or court order.**  A copy of the letters of appointment of the personal representative or court order;

[PL 2019, c. 417, Pt. A, §107 (NEW).]

**4. Record of consent to disclosure.**  Unless the user provided direction using an online tool, a copy of the user's will, trust, power of attorney or other record evidencing the user's consent to disclosure of the content of electronic communications; and

[PL 2019, c. 417, Pt. A, §107 (NEW).]

**5. Information requested by custodian.**  If requested by the custodian:

A. A number, username, address or other unique subscriber or account identifier assigned by the custodian to identify the user's account; [PL 2019, c. 417, Pt. A, §107 (NEW).]

B. Evidence linking the account to the user; or [PL 2019, c. 417, Pt. A, §107 (NEW).]

C. A finding by the court that:

(1) The user had a specific account with the custodian, identifiable by the information specified in paragraph A;

(2) Disclosure of the content of electronic communications of the user would not violate 18 United States Code, Section 2701 et seq., 47 United States Code, Section 222 or other applicable law;

(3) Unless the user provided direction using an online tool, the user consented to disclosure of the content of electronic communications; or

(4) Disclosure of the content of electronic communications of the user is reasonably necessary for administration of the estate. [PL 2019, c. 417, Pt. A, §107 (NEW).]

[PL 2019, c. 417, Pt. A, §107 (NEW).]

SECTION HISTORY

PL 2019, c. 417, Pt. A, §107 (NEW).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Regular and First Special Session of the 131st Maine Legislature and is current through November 1. 2023
. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.