

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 1437

6  
7 S.P. 536

In Senate, April 30, 1985

8 Reference to the Committee on Judiciary suggested and ordered printed.

9 JOY J. O'BRIEN, Secretary of the Senate

10 Presented by Senator Carpenter of Aroostook.

11  
12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-FIVE  
16

17 AN ACT Concerning Access to Telephone Toll  
18 Records by Prosecutors.  
19

20 Be it enacted by the People of the State of Maine as  
21 follows:

22 5 MRSA §200-B, as enacted by PL 1971, c. 275, is  
23 amended to read:

24 §200-B. Authority of Attorney General to request  
25 telephone records

26 Whenever the Attorney General, a deputy attorney  
27 general, a district attorney or deputy district at-  
28 torney, has reasonable grounds to believe that the  
29 services of a public utility, subject to the juris-  
30 diction of the Maine Public Utilities Commission, as  
31 defined in Title 35, section 15, subsections 17 and  
32 19, furnished to a person or to a location, is being  
33 or may be used for, or to further, an unlawful pur-  
34 pose, he may demand, in writing, all the records in  
35 the possession of such public utility relating to

1 such service. Upon a showing of cause to any Justice  
2 of the Supreme Judicial Court or the Superior Court  
3 or Judge of the District Court, said the justice or  
4 judge shall approve said the demand. Such showing  
5 shall be by the affidavit of any law enforcement of-  
6 ficer. Upon receipt of such demand, approved by such  
7 justice or judge, such public utility shall forthwith  
8 deliver to the Attorney General person making the  
9 request all the records or information in compliance  
10 with said the demand. If the person making request  
11 demands that the public utility not release the fact  
12 of the request or that records will be or have been  
13 supplied, the public utility shall not, without court  
14 order release such fact or facts. No such public  
15 utility or employee thereof shall may be criminally  
16 or civilly responsible for furnishing any records or  
17 information in compliance with said the demand.

18

#### STATEMENT OF FACT

19 This bill expands the power to request public  
20 utility subscriber information to Deputy Attorney  
21 Generals, district attorney and deputy district at-  
22 torneys. This is needed as a result of the large in-  
23 crease in criminal investigations which require these  
24 records on short notice. This bill further expands  
25 the power to approve such demands to the District  
26 Court. Finally, this bill provides a mechanism for  
27 keeping those requests secret.

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