

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1451

H.P. 1068 House of Representatives, May 6, 1987
Reference to the Committee on Utilities suggested and
ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative PARADIS of Augusta.

Cosponsored by Representatives TRACY of Rome, MacBRIDE of
Presque Isle, and MARSANO of Belfast.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT Concerning the Authority of the
Attorney General to Request Telephone
Records.

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5 Be it enacted by the People of the State of Maine as
6 follows:

7 5 MRSA §200-B, as amended by PL 1985, c. 393, is
8 further amended to read:

9 §200-B. Authority of Attorney General to request
10 telephone records

11 Whenever the Attorney General, a deputy attorney
12 general or a district attorney has reasonable grounds
13 to believe that the services of furnished to a person
14 or to a location by a public utility, as defined in
15 Title 35, section 15, subsections 17 and 19, whether

1 or not subject to the jurisdiction of the Maine Pub-
2 lic Utilities Commission, ~~as defined in Title 35,~~
3 ~~section 15, subsections 17 and 19, furnished to a~~
4 person or to a location, is and that such public
5 utility services are being or may be used for, or to
6 further, an unlawful purpose, he may demand, in writ-
7 ing, all the records in the possession of such public
8 utility relating to such service. Upon a showing of
9 cause to any Justice of the Supreme Judicial Court or
10 the Superior Court or Judge of the District Court,
11 the justice or judge shall approve the demand. Such
12 showing shall be by the affidavit of any law enforce-
13 ment officer. Upon receipt of such demand, approved
14 by such justice or judge, such public utility shall
15 forthwith deliver to the person making the request
16 all the records or information in compliance with the
17 demand. If the person making request demands that the
18 public utility not release the fact of the request or
19 that records will be or have been supplied, the pub-
20 lic utility shall not, without court order release
21 such fact or facts. No such public utility or employ-
22 ee thereof may be criminally or civilly responsible
23 for furnishing any records or information in compli-
24 ance with the demand.

25

STATEMENT OF FACT

26 Long distance and interstate telephone calls for-
27 merly handled by American Telephone and Telegraph for
28 local "Bell System" companies and for local independ-
29 ent telephone companies are now handled by numerous
30 competitors. Many of those numerous competitors are
31 not "subject to the jurisdiction of the Maine Public
32 Utilities Commission" for interstate telecommunica-
33 tions services or otherwise.

34 The only substantive change to this section in
35 the bill adds "whether or not" before "subject to the
36 jurisdiction of the Maine Public Utilities commis-
37 sion" in the Maine Revised Statutes, Title 5, section
38 200-B, first sentence. This change is necessary in
39 order that, in the appropriate situation when autho-
40 rized by a judge, the Attorney General may obtain the
41 records pertaining to interstate telecommunications
42 services as well as those pertaining to such intra-
43 state services.

1 The other changes are solely of form.

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