

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

SECOND REGULAR SESSION

---

ONE HUNDRED AND THIRTEENTH LEGISLATURE

---

Legislative Document

NO. 1967

---

H.P. 1456 House of Representatives, January 7, 1988  
Approved for introduction by a majority of the  
Legislative Council pursuant to Joint Rule 26.  
Reference to the Committee on Utilities suggested and  
ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative RICHARD of Madison.

Cosponsored by Senator ERWIN of Oxford and Representative  
WILLEY of Hampden.

---

STATE OF MAINE

---

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

---

1           **AN ACT to Clarify the Status of Meetings and**  
2                   **Records of the Public Utilities**  
3           **Commission Under the Freedom of Access Law.**  
4

---

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

7       **Sec. 1. 35-A MRSA §108, as enacted by PL 1987,**  
8       **c. 141, Pt. A, §6, is amended to read:**

9       §108. Commission action; quorum; notice

1 A majority of the duly appointed commissioners  
2 shall constitute a quorum and the act or decision of a  
3 majority of commissioners present, if at least a  
4 quorum is present, shall be the act or decision of the  
5 commission in any formal proceeding before the  
6 commission.

7 Notwithstanding Title 1, section 406, the  
8 commission is required to give notice of public  
9 proceedings only if the commission will deal with the  
10 expenditure of public funds or taxation or will adopt  
11 policy at the meeting.

12 Sec. 2. 35-A MRSA §704, sub-§5 is enacted to  
13 read:

14 5. Confidentiality of customer information. The  
15 following provisions apply to the confidentiality of  
16 customer information.

17 A. Records containing the following information  
18 shall be confidential and are not public records  
19 for the purpose of Title 1, section 402,  
20 subsection 3:

21 (1) Information acquired by the Consumer  
22 Assistance Division regarding the payment and  
23 credit history and financial condition of a  
24 customer who has requested the assistance of  
25 the division;

26 (2) Information acquired by the Consumer  
27 Assistance Division regarding the medical  
28 condition of a customer or member of a  
29 customer's family; and

30 (3) The decisions of the Consumer Assistance  
31 Division which recount the confidential  
32 information described in this paragraph.

33 B. Notwithstanding paragraph A, any person,  
34 agency or public utility directly involved in the

1 investigation of an individual customer matter  
2 shall be given access to the information.

3 C. Compilations of information in which the  
4 customer's identity is not disclosed are not  
5 confidential.

6 STATEMENT OF FACT

7 The purpose of this bill is to reinstate, for the  
8 Public Utilities Commission only, the criteria that  
9 notice of meetings must be given only if the Public  
10 Utilities Commission will adopt policy or deal with  
11 the expenditure of public funds or taxation, which  
12 criteria were deleted from the freedom of access law  
13 in the First Regular Session of the 113th  
14 Legislature. The burden on the Public Utilities  
15 Commission of the deletion may have been unanticipated  
16 because of the Public Utilities Commission uniqueness  
17 as both a full-time and multimember body. The bill  
18 also clarifies the confidential nature of customer  
19 records received or produced by the commission.

20

4050113087