

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 722

S.P. 263

Received by the Secretary, February 20, 1991

Reference to the Committee on Utilities suggested and ordered printed.

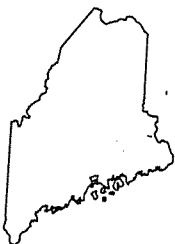
JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator CARPENTER of York

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act Concerning Certain Personnel Records.



Printed on recycled paper

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

35-A MRSA §114, sub-§3, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

3. In camera inspection. Upon request by the commission staff, the Public Advocate or intervenor in a matter before the commission or upon the commission's own motion and for good cause shown, the commission may order a public utility to produce for in camera inspection by the commission or hearing examiner the records designated confidential under subsection 1, paragraph A. The employee whose records are the subject of such a request shall must be notified by the commission of the request and shall must be given the opportunity to be heard before an order to produce is issued. If the commission or hearing examiner determines after in camera inspection that a record is reasonably relevant to the matter before it and that production of the record is not unjust or unlawful and that the materiality of the record outweighs any harm to the employee from its disclosure, the commission or hearing examiner may order that the record be made a part of the discovery or evident aspects of the proceedings, subject to the terms and conditions that are just, due consideration being given to the privacy interests of the employee involved.

The record designated confidential under subsection 1, paragraph B may not be subject to in camera inspection or disclosure unless such inspection or disclosure is required by order of the Superior Court.

STATEMENT OF FACT

This bill protects certain personnel records of utility employees. This bill will protect personal and private records from disclosure as well as ensure complete and candid evaluations of utility personnel.