

MAINE STATE LEGISLATURE

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R. of S.

L.D. 278

(Filing No. S-101)

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28
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32
34
36
38
40
42
44
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STATE OF MAINE
SENATE
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " A " to S.P. 100, L.D. 278, Bill, "An Act to Provide Additional Powers to the Public Utilities Commission"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 35-A MRSA §112, sub-§4, ¶C is enacted to read:

C. Subject to the requirements of the United States Constitution and the Constitution of Maine and upon a finding that there is probable cause to believe that a public utility is altering, amending, removing or destroying any of its books, accounts, papers or records in an attempt to frustrate an investigation of the commission, a Judge of the District Court or a Justice of the Peace, at the request of the commission and without notice, may issue a search warrant requiring seizure of those documents that are necessary for the commission to discharge its duties.

Sec. 2. 35-A MRSA §1316-A is enacted to read:

§1316-A. Information related to violation of state law; confidentiality

Subject to the requirements of Title 5, section 9055 regarding ex parte communications but notwithstanding any other provision of law, the commission may declare and treat as confidential communications from any person concerning the affairs of a utility that are reasonably related to a violation of state laws.

COMMITTEE AMENDMENT

FISCAL NOTE

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The Public Utilities Commission will incur some minor additional administrative costs to seize records of public utilities under certain circumstances. These costs can be absorbed within the commission's existing budgeted resources.

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The additional workload and administrative costs associated with the minimal number of additional requests for warrants can be absorbed within the budgeted resources of the Judicial Department.'

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STATEMENT OF FACT

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This amendment replaces the bill.

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Under this amendment, a Judge of the District Court or a Justice of the Peace is authorized to issue to the Public Utilities Commission, without notice but upon a showing of probable cause, a search warrant to seize records the commission believes are at risk of being altered or destroyed.

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Under this amendment, the commission is authorized to declare and treat as confidential any communication from an informant regarding possible illegal activities by a public utility.

This amendment adds a fiscal note to the bill.

Reported by Senator Carpenter for the Committee on Utilities.
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(4/30/93) (Filing No. S-101)