

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 548

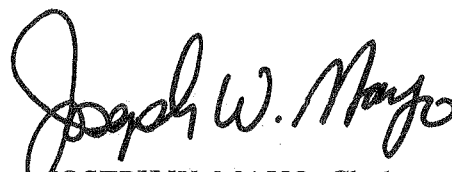
H.P. 403

House of Representatives, January 28, 1997

**An Act Concerning Service Relating to the Disclosure of Financial Records.**

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Reference to the Committee on Banking and Insurance suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative JONES of Greenville.  
Cosponsored by Representative MORGAN of South Portland.

2  
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 9-B MRSA §163, sub-§1**, as amended by PL 1985, c. 647,  
5 §2, is further amended to read:

6 1. **Service.** A fiduciary institution shall disclose  
7 financial records under section 162 pursuant to a subpoena,  
8 summons, warrant or court order ~~which~~ that on its face appears to  
9 have been issued upon lawful authority only if the subpoena,  
10 summons, warrant or court order is served upon the customer prior  
11 to disclosure by the fiduciary institution. The agency or person  
12 requesting the disclosure of financial records shall certify in  
13 writing to the fiduciary institution the fact that the subpoena,  
14 summons, warrant or court order has been served upon the  
15 customer. The court for good cause shown may delay or dispense  
16 with service of the subpoena, summons, warrant or court order  
17 upon the customer. The court shall delay or dispense with  
18 service of the subpoena, summons, warrant or court order upon the  
19 customer upon notice by the Attorney General ~~or his~~, the Attorney  
20 General's designee or the District Attorney that such service  
21 upon the customer would not be in the public interest. A  
22 subpoena, summons or warrant issued in connection with a criminal  
23 proceeding or federal grand jury proceeding or a trustee process  
24 lawfully issued need not be served upon the customer.

26  
27 **SUMMARY**

28  
29 This bill authorizes the District Attorney, in addition to  
30 the Attorney General, to advise the court to delay or dispense  
31 with service of a subpoena, summons, warrant or order requesting  
32 disclosure of financial records if service to the customer would  
33 not be in the public interest. The bill also removes the  
34 requirement that the customer be served when the disclosure is  
sought in connection with a criminal proceeding.