

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
2001

C-2. Directing the defendant to refrain from having any direct or indirect contact with the plaintiff;

Sec. 4. 5 MRSA §4656, as enacted by PL 1987, c. 515, §1, is repealed and the following enacted in its place:

§4656. Identifying information sealed

If a party alleges in an affidavit or a pleading under oath that the health, safety or liberty of a party or child would be jeopardized by disclosure of identifying information, the information must be sealed by the clerk and not disclosed to the other party or to the public unless the court orders the disclosure to be made after a hearing in which the court takes into consideration the health, safety or liberty of the party or child and determines that the disclosure is in the interest of justice.

Sec. 5. 19-A MRSA §4006, sub-§6, as amended by PL 1999, c. 67, §1, is further amended to read:

6. Service of order. If the court issues a temporary order or orders emergency or interim relief, the court shall order an appropriate law enforcement agency; or, if the defendant is present in the courthouse, a court security officer qualified pursuant to Title 4, section 17, subsection 15; to serve the defendant personally with the order, the complaint and the summons. ~~To protect the plaintiff, the court may order the omission or deletion of the plaintiff's address from papers served on the defendant.~~ The court shall cause the order to be delivered to the law enforcement agency or court security officer as soon as practicable following the issuance of the order and the law enforcement agency or court security officer shall make a good faith effort to serve process expeditiously.

Sec. 6. 19-A MRSA §4007, sub-§1, ¶A-2 is enacted to read:

A-2. Prohibiting the defendant from the use, attempted use or threatened use of physical force that would reasonably be expected to cause bodily injury against the plaintiff or a minor child residing in the household;

Sec. 7. 19-A MRSA §4008, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is repealed and the following enacted in its place:

§4008. Identifying information sealed

If a party alleges in an affidavit or a pleading under oath that the health, safety or liberty of a party or child would be jeopardized by disclosure of identifying information, the information must be sealed by the

clerk and not disclosed to the other party or to the public unless the court orders the disclosure to be made after a hearing in which the court takes into consideration the health, safety or liberty of the party or child and determines that the disclosure is in the interest of justice.

See title page for effective date.

CHAPTER 135

H.P. 716 - L.D. 931

An Act to Provide for the Security of Certain Utility Information

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, it is necessary that state agencies have timely access to information about the technical operations and facilities of public utilities in Maine to enable these agencies to carry out their roles in emergency preparedness and response, law enforcement and public health and safety activities; and

Whereas, the public release of some of that information may compromise the security of utility infrastructure and operations; and

Whereas, some of that information is needed to support current planning efforts related to potential energy emergencies in the State; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 35-A MRSA §1311-B is enacted to read:

§1311-B. Security of certain utility information

1. Designation of information as confidential.

If the commission, on its own motion or on petition of any person or entity, determines that public access to specific information about public utility technical operations in the State could compromise the security of public utility systems to the detriment of the public interest, the commission shall issue an order designating that information as confidential. Information designated as confidential pursuant to this section may include, but is not limited to, emergency response

plans and network diagrams. Information designated as confidential under this section is not a public record under Title 1, section 402, subsection 3.

2. Treatment of information by commission; generally. Except as otherwise provided in this section, the commission may not release information designated as confidential under subsection 1 and shall take appropriate steps to protect such information in its possession.

3. Access to information by parties in proceeding. Designation of information as confidential under subsection 1 does not limit the right of a party in a proceeding before the commission to obtain discovery of that information. Notwithstanding section 1311-A, subsection 1, paragraphs A and C, the commission may issue a protective order limiting discovery of information designated as confidential pursuant to subsection 1 if the commission finds that specific limits are necessary to protect the public interest.

4. Release of information to other state agencies. The commission may release information designated as confidential pursuant to subsection 1 or require the release of that information by a public utility to another state agency to the extent necessary to support emergency preparedness or response, law enforcement or other public health and safety activities. The commission shall consult with a public utility before releasing or requiring the release of confidential information about that utility to a state agency unless the commission determines that the public health and welfare require immediate release without such consultation. The commission shall notify a public utility within 2 business days of providing information about that utility to a state agency pursuant to this subsection. As soon as practicable after receiving notice from a state agency pursuant to subsection 5, paragraph B of the agency's intent to release the information, the commission shall notify the public utility of the agency's intent.

5. Release by other state agencies. A state agency that receives information about a public utility pursuant to subsection 4:

A. May not use that information for any purpose other than for the support of emergency preparedness or response, law enforcement or other public health and safety activities;

B. May not release that information to any other person or entity without prior notice to the commission unless the agency determines that immediate release of the information to one or more persons or entities is necessary for the protection of public health and safety; and

C. Shall, when finished with the use of any documents received from the commission or from a public utility pursuant to subsection 4, return the documents to the commission or the public utility, as appropriate.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective May 14, 2001.

CHAPTER 136

H.P. 973 - L.D. 1297

An Act to Ensure Proper Funding of the Public Utilities Commission

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, it is necessary that the Public Utilities Commission have sufficient funds to carry out its statutory obligations; and

Whereas, wholesale electricity markets are currently unsettled regionally and nationally, and electricity market rules and federal telecommunications rules are being developed and will significantly impact the overall prices that Maine's electricity and telephone consumers pay; and

Whereas, during fiscal year 2000-01, the Public Utilities Commission must maintain its ongoing responsibilities while continuing to participate in regional and national activities that will impact Maine's consumers; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 35-A MRSA §116, sub-§1, as amended by PL 1999, c. 398, Pt. C, §1, is further amended to read:

1. Utilities subject to assessments. Every transmission and distribution, gas, telephone and water utility and ferry subject to regulation by the commission is subject to an assessment on its intrastate gross operating revenues to produce no more than \$4,918,000 in revenues annually. The commission