

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

—
S.P. 118 - L.D. 251

**An Act to Protect the Confidentiality of Information of Individual Customers
of a Public Utility**

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

Sec. 1. 1 MRSA §402, sub-§3, ¶U, as amended by PL 2023, c. 618, §1, is further amended to read:

U. Records provided by a railroad company pursuant to Title 23, section 7311, subsection 5 and records describing hazardous materials transported by the railroad company in this State, the routes of hazardous materials shipments and the frequency of hazardous materials operations on those routes that are in the possession of a state or local emergency management entity or law enforcement agency, fire department or other first responder, except that records related to a train carrying hazardous materials that has derailed at any point from a main line train track or related to a discharge of hazardous materials transported by a railroad company that poses a threat to public health, safety and welfare are subject to public disclosure after that discharge. For the purposes of this paragraph, "hazardous material" has the same meaning as set forth in 49 Code of Federal Regulations, Section 105.5; ~~and~~

Sec. 2. 1 MRSA §402, sub-§3, ¶V, as enacted by PL 2017, c. 118, §3, is amended to read:

V. Participant application materials and other personal information obtained or maintained by a municipality or other public entity in administering a community well-being check program, except that a participant's personal information, including health information, may be made available to first responders only as necessary to implement the program. For the purposes of this paragraph, "community well-being check program" means a voluntary program that involves daily, or regular, contact with a participant and, when contact cannot be established, sends first responders to the participant's residence to check on the participant's well-being;

Sec. 3. 1 MRSA §402, sub-§3, ¶W is enacted to read:

W. Information in the possession of a public utility, the Office of the Public Advocate or the Public Utilities Commission pertaining to an individual customer of a public

utility as defined in Title 35-A, section 102, subsection 13 that is designated by rule as confidential by the Public Utilities Commission pursuant to Title 35-A, section 111; and

Sec. 4. 1 MRSA §402, sub-§3, ¶X is enacted to read:

X. Information in the possession of a public sewer system pertaining to an individual customer of a public utility as described in this paragraph. For purposes of this paragraph, "public sewer system" means a municipality, division of a municipality or quasi-municipal entity that is a municipal sewer department, a sewer district as defined in Title 38, section 1032, subsection 3 or 4, a system that collects stormwater or a sanitary district formed under Title 38, chapter 11.

(1) If the municipality, division of a municipality or quasi-municipal entity, referred to in this subparagraph as "the entity," is both a public sewer system and a water utility as defined in Title 35-A, section 102, subsection 22, information in the possession of the entity, the Office of the Public Advocate or the Public Utilities Commission pertaining to an individual customer of the public sewer system is confidential if that information would be confidential under paragraph W if the information pertained to an individual customer of a water utility.

(2) For all public sewer systems not described in subparagraph (1), information in the possession of the public sewer system pertaining to an individual customer of the public sewer system, including the customer's name, physical or mailing address, e-mail address, telephone number, utility usage, payment and credit history, financial condition or medical condition, or financial or medical condition of a member of the customer's family, is confidential and may not be disclosed by the public sewer system unless:

(a) The customer consents to the disclosure. For purposes of this division, the public sewer system may accept an oral certification from a social service agency that the customer has consented to the public sewer system's disclosure of the customer's information to the social service agency;

(b) The disclosure is made for the purpose of debt collection, credit reporting or usage reporting pursuant to state or federal law, except that the information may not be disclosed for purposes of debt collection or credit reporting purposes if the customer is currently protected by a protection from abuse order and the customer has disclosed the protection from abuse order to the public sewer system;

(c) The disclosure is made to a law enforcement officer or law enforcement agency pursuant to lawful process;

(d) The disclosure is made to state, county, tribal or local emergency management agency personnel when the information about the individual customer is requested while the agency is responding to an emergency situation;

(e) The disclosure is made to a public utility or public sewer system to the extent necessary to allow these entities to bill customers for services rendered; or

(f) The disclosure is otherwise required by state or federal law.