

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

Date:

(Filing No. S-)

JUDICIARY

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE
SENATE
132ND LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 118, L.D. 251, “An Act to Protect the Confidentiality of Information of Individual Customers of a Public Utility”

Amend the bill in section 2 in paragraph V in the last line (page 1, line 24 in L.D.) by striking out the following: "and"

Amend the bill in section 3 in paragraph W in the first line (page 1, line 26 in L.D.) by inserting after the following: "Information" the following: 'in the possession of a public utility, the Office of the Public Advocate or the Public Utilities Commission'

Amend the bill in section 3 in paragraph W in the last line (page 1, line 28 in L.D.) by striking out the following: "111." and inserting the following: '111; and'

Amend the bill by inserting after section 3 the following:

'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

COMMITTEE AMENDMENT

1 address, e-mail address, telephone number, utility usage, payment and credit
2 history, financial condition or medical condition, or financial or medical condition
3 of a member of the customer's family, is confidential and may not be disclosed by
4 the public sewer system unless:

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

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

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

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

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

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

25 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
26 number to read consecutively.

27 SUMMARY

28 This amendment excludes from the definition of "public records" in the Freedom of
29 Access Act information pertaining to an individual customer of a public sewer system to a
30 similar extent that information pertaining to an individual customer of a public utility would
31 be considered confidential under rules adopted by the Public Utilities Commission.