

§200-B. Authority of Attorney General to request utility records

1. Public utility services.

[PL 1999, c. 686, §1 (RP).]

1-A. Definitions. As used in this section, the following terms have the following meanings.

A. "Internet service provider" means an entity that provides electronic communication or remote computation services, whether or not subject to the jurisdiction of the Public Utilities Commission. [PL 1999, c. 686, §1 (NEW).]

B. "Utility services" means:

- (1) Services furnished by a public utility, as defined in Title 35-A, section 102, subsections 7, 8, 14, 15, 19, 20-B and 22, whether or not subject to the jurisdiction of the Public Utilities Commission;
- (2) Services provided by an Internet service provider; and
- (3) Mobile telecommunications services, as defined in Title 35-A, section 102, subsection 9-A, whether or not the provider of the mobile telecommunications services is subject to the jurisdiction of the Public Utilities Commission. [PL 1999, c. 686, §1 (NEW).]

[PL 1999, c. 686, §1 (NEW).]

2. Demand for records of utility services; cause. The Attorney General, a deputy attorney general or a district attorney may demand, in writing, all the records or information in the possession of the public utility or Internet service provider relating to the furnishing of public utility services or Internet services to a person or a location if the attorney has reasonable grounds to believe that the services furnished to a person or to a location by a public utility or Internet service provider are being or may be used for, or to further, an unlawful purpose.

Records of utility services, as applied to Internet service providers, are limited to the following information and records in the possession of the Internet service provider: the subscriber's or customer's name, address, local and long-distance telephone billing records, telephone number or other subscriber number or identity and length of time the services have been provided to the subscriber or customer.

Upon a showing of cause to any Justice of the Superior Court or Judge of the District Court, the justice or judge shall approve the demand. Showing of cause must be by the affidavit of any law enforcement officer.

[PL 1999, c. 686, §1 (AMD).]

3. Release of other information. An order approving a demand for records of utility services may include a provision prohibiting the provider of utility services from releasing the fact of the request or that the records or information will be or have been supplied. The provider of utility services may not release the fact or facts without obtaining a court order to that effect.

[PL 1999, c. 686, §1 (AMD).]

4. Production of records of utility services. Upon receipt of a demand, approved by a justice or judge, the provider of utility services shall immediately deliver to the attorney, or the attorney's designee or agent, making the request all the records or information demanded. A provider of utility services or employee of that provider of utility services is not criminally or civilly liable for furnishing any records or information in compliance with the order approving the demand.

[PL 1999, c. 686, §1 (AMD).]

5. Orders permitted under federal law. The Attorney General, a deputy attorney general or a district attorney may, upon an affidavit of an investigating law enforcement officer, make application to any Justice of the Superior Court or any Judge of the District Court for any order permitted pursuant to 18 United States Code, Section 3122(a)(2).

[PL 1995, c. 625, Pt. A, §2 (RPR).]

6. Notification; extension. Within 60 days of approval of the demand under subsection 2, the Attorney General, deputy attorney general or district attorney making the demand shall notify the person receiving the services that the demand for utility service records has been made and approved. Upon showing of reasonable cause by the Attorney General, deputy attorney general or district attorney, the court may extend the period within which notice must be given for a definite period of time.

[PL 1999, c. 686, §1 (NEW).]

SECTION HISTORY

PL 1971, c. 275 (NEW). PL 1985, c. 393 (AMD). PL 1987, c. 141, §B2 (AMD). PL 1987, c. 260 (AMD). PL 1987, c. 769, §A9 (RPR). PL 1995, c. 225, §1 (AMD). PL 1995, c. 327, §1 (RPR). PL 1995, c. 625, §A2 (RPR). PL 1999, c. 398, §A1 (AMD). PL 1999, c. 398, §A105 (AFF). PL 1999, c. 579, §1 (AMD). PL 1999, c. 686, §1 (AMD).

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