

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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
1999

entity other than the State, transfer of title to the asset may not occur until the transfer is approved by:

A. In the case of an agency or department of a county, a majority of the commissioners of the county; and

B. In the case of an agency or department of a municipality, the municipal officers of the municipality.

When property is forfeited and transferred to a municipality in accordance with this section, the municipal officers of the municipality shall determine the disposition of the property. When property is forfeited and transferred to a county in accordance with this section, the county commissioners shall determine the disposition of the property.

Sec. 5. 30-A MRSA §5655, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

§5655. Unconditional gifts

A gift without conditions, of any type of property, offered to a municipality shall may be accepted or rejected by its legislative body, except for forfeited assets conveyed to the municipality pursuant to Title 15, chapter 517, which may be accepted or rejected by the municipal officers.

See title page for effective date.

CHAPTER 409

H.P. 1516 - L.D. 2164

**An Act to Enhance Access to
Technology for Maine Schools and
Libraries**

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

Sec. 1. 35-A MRSA §7104-A, as amended by PL 1997, c. 169, §1, is repealed.

Sec. 2. 35-A MRSA §7104-B is enacted to read:

§7104-B. Access to information services

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Qualified library" means a public library as defined in Title 27, section 110, subsection 10; a research center as defined in Title 27, section 110, subsection 12; or a library that provides free

public access to all advanced telecommunications services available at that library and whose collection serves as a statewide resource, if the commission determines, in consultation with the Maine Library Commission, that including that library as a qualified library is in the public interest.

B. "Qualified school" means a public school as defined in Title 20-A, section 1, subsection 24; a private school approved under Title 20-A, section 2901 or 2951; or a school that provides free public access to all advanced telecommunications services available at that school, if the commission determines, in consultation with the Department of Education, that including that school as a qualified school is in the public interest.

C. "Telecommunications carrier" and "telecommunications service" have the same meanings as set forth in 47 United States Code, Section 153.

2. Authority. Pursuant to the authority granted in section 7104 and in order to carry out the policy goals established by section 7101, subsections 1, 2 and 4, the commission shall establish a telecommunications education access fund, referred to in this section as the "fund," and require all telecommunications carriers offering telecommunications services in the State and any other entities identified by the commission pursuant to subsection 8 to contribute to the fund. The fund must be available, with any accumulated interest, to qualified libraries and qualified schools to assist in paying the costs of acquiring and using advanced telecommunications technologies.

3. Limitations. In carrying out the authority granted by subsection 2, the commission shall:

A. Limit the amount collected to no more than 0.5% of retail charges for telecommunications services as determined by the commission, excluding interstate tolls or interstate private line services;

B. Ensure that the funds are collected in a competitively neutral manner;

C. Integrate the collection of the charge with any state universal service fund developed by the commission;

D. Require explicit identification on customer bills of any charge imposed under this section; and

E. Commence any assessment for this fund no earlier than July 1, 2001.

4. Use of fund. The fund must be used to provide discounts to qualified libraries and qualified schools for the following:

- A. Telecommunications services;
- B. Internet access;
- C. Internal connections;
- D. Computers; and
- E. Training.

5. Guidelines for funding. The commission shall allocate money from the fund using the following guidelines:

- A. To ensure a basic level of connectivity for all of the qualified schools and qualified libraries in the State;
- B. To ensure all qualified schools and qualified libraries are capable of using the advanced technology equipment obtained through the fund;
- C. To ensure that more technologically sophisticated equipment is available to students in grades 9 to 12 and in larger qualified libraries in the State;
- D. To provide for necessary equipment to use the services obtained through the fund;
- E. To provide for internal connections necessary to use the services obtained through the fund;
- F. To provide training to teachers so that they may assist and educate their students in the use of the advanced technology equipment; and
- G. To provide for the establishment of computer technology training programs in schools to provide training to students in areas such as, but not limited to, electronic commerce, Internet proficiency and World Wide Web-enabled systems.

A minimum of 25% of each annual program budget must be devoted to targeted projects that are innovative and technologically advanced.

6. Coordination with federal funds. Qualified schools and qualified libraries shall apply for any federal discounts available pursuant to the federal Telecommunications Act of 1996. The level of discount, pursuant to subsection 4, is determined by the commission.

7. Coordination with existing facilities. Any existing facilities developed to provide services to qualified schools and qualified libraries, as directed by the commission under this section, must continue to provide services to qualified schools and qualified

libraries at rates that reflect the incremental costs to use those facilities.

8. Review by commission. The commission shall periodically examine the services provided and entities assessed a fee under this section. The purpose of the review is to ensure that the fees assessed under this section are competitively neutral by including services provided by any entity, including but not limited to cable television companies, Internet service providers or any other relevant business, to the extent that those entities offer services that provide a method of delivering 2-way interactive communications services comparable to those offered by telecommunications carriers. In accordance with subsection 2, the assessment of fees on entities that provide services other than 2-way interactive communications services comparable to those offered by telecommunications carriers must be based on the entities' retail charges for delivering 2-way interactive communications, excluding interstate toll and interstate private line services, and may not be related to other services provided by the entity.

See title page for effective date.

CHAPTER 410

S.P. 741 - L.D. 2100

An Act to Allow Workers' Compensation Board Advocates to Prioritize and Decline Cases

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

Sec. 1. 39-A MRSA §153-A, sub-§§6 and 7 are enacted to read:

6. Case management authority of advocates. An advocate has the authority to:

A. Manage and prioritize the advocate's caseload to efficiently move cases through the board mediation and hearing process and to achieve resolution;

B. With the written approval of the staff attorney, decline cases or cease assistance to an employee when the advocate after investigation finds:

(1) Timely notice of the injury was not given by the employee to the employer, pursuant to this Act;

(2) The statute of limitations has expired;