

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2004 to March 30, 2005**

**FIRST SPECIAL SESSION**  
**April 4, 2005 to June 18, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 17, 2005**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2005**

municipalities with accounting records after an audit has been completed and delivered to the superintendent. An agreement under which the union committee performs the functions of fiscal agent may be renewed for a period not to exceed 3 years. Each renewal may be approved only in accordance with the procedures described in this section.

See title page for effective date.

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**CHAPTER 131**

**H.P. 754 - L.D. 1101**

**An Act To Designate Pay Phone Locations in the Public Interest**

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

**Sec. 1.** 35-A MRSA §7104, sub-§6 is enacted to read:

**6. Public-interest pay phone support.** The commission may require contributions to a state universal service fund established pursuant to this section in an amount sufficient to collect up to \$50,000 each year to fund public-interest pay phones pursuant to section 7508. The commission shall maintain an accounting of all funds contributed to the state universal service fund pursuant to this subsection and all funds expended pursuant to section 7508. Funds contributed to the state universal service fund pursuant to this subsection may be expended only for the purposes of section 7508.

**Sec. 2.** 35-A MRSA §7508 is enacted to read:

**§7508. Public-interest pay phones**

**1. Public-interest pay phone locations.** In order to ensure access to pay phones in a manner that fulfills the requirements of the public health, safety and welfare, the commission shall establish by rule a process for reviewing and approving requests for public-interest pay phones in accordance with this section.

A. The commission shall establish procedures by which citizens may petition to have a public-interest pay phone at a particular location.

B. Consistent with the following general criteria, the commission shall establish procedures and standards for responding to a petition for a public-interest pay phone.

(1) A proposed public-interest pay phone must fulfill a public welfare, health or safety policy objective.

(2) A pay phone would not otherwise remain or be placed at a proposed public-interest pay phone location by the operation of the competitive marketplace.

C. A public-interest pay phone may not be removed from service unless its owner provides written notice to the commission 30 days prior to removal, except that the commission, pursuant to rules adopted under this section, may grant a waiver of this requirement.

**2. Recovery of costs.** The costs associated with installing and maintaining public-interest pay phones pursuant to this section must be paid from funds available pursuant to section 7104, subsection 6.

**3. Rules.** The commission shall adopt rules that are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A to implement this section.

**4. Report.** Annually prior to February 1st, the commission shall provide a report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters detailing activities undertaken pursuant to this section. The report must include information on the number of petitions for public-interest pay phones the commission has received, the number of such pay phones the commission has approved and the amount of available funds expended.

**Sec. 3. Authority to report out legislation.** The joint standing committee of the Legislature having jurisdiction over utilities and energy matters may report out legislation to the First Regular Session of the 123rd Legislature concerning public-interest pay phones.

See title page for effective date.

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**CHAPTER 132**

**H.P. 418 - L.D. 563**

**An Act To Assist Persons with Pulmonary Disabilities**

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

**Sec. 1.** 35-A MRSA §3214, sub-§5 is enacted to read:

**5. Ensuring equitable treatment for persons with certain disabilities.** If the commission establishes or approves one or more low-income assistance programs under subsection 2 or 3 that result in similarly situated persons receiving different levels of assistance depending solely upon which transmission

and distribution utility service territory they reside in, the commission shall by rule establish an equitable-treatment program consistent with this subsection.

A. The equitable-treatment program must be available to any person who:

(1) Is eligible for benefits under the transmission and distribution utility's low-income assistance program established in accordance with subsection 2; and

(2) Provides documentation from a doctor that the person for health reasons needs an oxygen pump at least 8 hours each day.

B. The equitable-treatment program must be designed to ensure that the low-income assistance benefits provided under this section to persons who qualify under paragraph A mitigate, to an extent that is reasonably equivalent in each transmission and distribution utility territory, electric charges associated with the operation of an oxygen pump. The commission may not reduce any assistance provided under any low-income assistance program established under subsection 2 in order to satisfy the requirements of this paragraph.

C. The commission shall establish an administratively simple and inexpensive method of administering the equitable-treatment program.

D. Reasonable costs incurred by a transmission and distribution utility in implementing any program established by the commission under this subsection are just and reasonable expenses for rate-making purposes.

E. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 133**

**H.P. 578 - L.D. 813**

**An Act To Make Technical Changes in Laws Relating to Conservation**

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

**Sec. 1. 12 MRSA §8611, sub-§2,** as amended by PL 1989, c. 700, Pt. A, §40, is further amended to read:

**2. Natural resource educator.** The director shall employ a natural resource educator to develop

and coordinate natural resource education, workshops and training opportunities for school-age children, forest landowners, forest products harvesters and forest managers. ~~Specifically, this person shall:~~

~~A. Work with the Department of Education and organizations to integrate forestry and forest science programs into the science curricula in public schools; and~~

~~B. Establish a program for continuing education courses in timber harvesting equipment operation, safety and basic forest management skills.~~

**Sec. 2. 12 MRSA §8701,** as amended by PL 1989, c. 21, §§1 to 3, is repealed.

**Sec. 3. 12 MRSA §8883-A,** as enacted by PL 1995, c. 242, §1, is repealed.

**Sec. 4. 12 MRSA §8884, sub-§2,** as amended by PL 1995, c. 242, §2, is further amended to read:

**2. Imports and exports.** Persons, firms, corporations or companies selling forest products out of the State or buying forest products to bring into the State shall submit an annual report to the director of the bureau during the month of January for the forest products sold out of the State or brought into the State. The report must also identify the origin of imported forest products by state or country, the county in the State in which exported forest products were harvested and the destination of exported forest products by state or country.

**Sec. 5. 12 MRSA §8886, sub-§2, ¶B,** as amended by PL 1997, c. 720, §18, is repealed.

See title page for effective date.

**CHAPTER 134**

**S.P. 183 - L.D. 574**

**An Act To Amend Provisions of the Submerged Lands Laws**

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

**Sec. 1. 12 MRSA §1801, sub-§9, ¶A,** as enacted by PL 1997, c. 678, §13, is amended to read:

A. All land from the mean low-water mark or a maximum of 1,650 feet seaward of the mean high-water mark, whichever is closer to the mean high-water mark, out to the seaward boundary of ~~eastern~~ territorial waters as defined in section 6001;