

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**SECOND SPECIAL SESSION**

December 12, 1991 to January 7, 1992

**SECOND REGULAR SESSION**

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR  
SECOND REGULAR SESSION  
NON-EMERGENCY LAWS IS  
JUNE 30, 1992

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

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J.S. McCarthy Company  
Augusta, Maine  
1992

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

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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**CHAPTER 652****S.P. 852 - L.D. 2165****An Act to Authorize Forest Rangers to Enforce the Rules and Laws Pertaining to the Bureau of Public Lands****Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 12 MRSA §8901, sub-§2, ¶D**, as amended by PL 1987, c. 816, Pt. KK, §14, is further amended to read:

D. Enforce all laws relating to forests and forest preservation ~~and~~ laws relating to the Maine Land Use Regulation Commission and laws and rules relating to lands under the jurisdiction of the Bureau of Public Lands;

**Sec. 2. 12 MRSA §8901, sub-§3**, as amended by PL 1987, c. 816, Pt. KK, §15, is further amended to read:

**3. Law enforcement powers.** Forest rangers and the state supervisor, for the purpose of enforcing forest and forest preservation laws ~~and~~ laws of the Maine Land Use Regulation Commission and laws and rules relating to the lands under the jurisdiction of the Bureau of Public Lands, ~~shall~~ have the law enforcement powers equivalent to a sheriff or sheriff's deputy, including the right to arrest violators, ~~prosecute the same violators~~, serve criminal process against offenders, require aid in executing forest ranger duties and deputize temporary aides.

See title page for effective date.

**CHAPTER 653****H.P. 1589 - L.D. 2243****An Act to Clarify the Zoning Provisions Administered by the Maine Land Use Regulation Commission**

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, current law considers changes in land use districts and resulting zoning maps as rule-making proceedings; and

**Whereas**, current law requires each state agency to issue a regulatory agenda that lists rules that the agency expects to propose prior to the next regulatory agenda due date; and

**Whereas**, site-specific zoning petitions are filed with the Maine Land Use Regulation Commission each year by landowners, at times suitable to their purposes; and

**Whereas**, delay in acting upon citizen petitions may result in undue financial hardships to individuals and private enterprise development; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**12 MRSA §685-A, sub-§7**, as amended by PL 1989, c. 810, §1, is further amended by amending the 5th paragraph to read:

At hearings, interested owners, lessees, officials, agencies and individuals may appear and be heard. They are allowed at least 10 days after the close of the public hearing, or within such longer time period as the commission may direct, to file written statements with the commission. Except as provided in this chapter, any hearings required or authorized under this subsection or subsection 8 must be conducted in accordance with the requirements for rulemaking set forth in Title 5, chapter 375, subchapter II; provided that the requirements of Title 5, section 8052, subsections 5, 5-A and 7; ; section 8053-A; ; section 8056, subsections 1, 3 and 4; ; section 8056-A; ; section 8057, subsection 2; ; and sections 8057-A, 8060 ~~and~~, 8062 and 8064 do not apply to these procedures.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective March 9, 1992.

**CHAPTER 654****H.P. 1118 - L.D. 1643****An Act to Protect Telephone Customer Privacy****Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 35-A MRSA §7101-A** is enacted to read:

**§7101-A. Telecommunications privacy; policy**

The Legislature declares and finds the following.

**1. Privacy right.** Telephone subscribers have a right to privacy and the protection of this right to privacy is of paramount concern to the State.

**2. Exercise of right.** To exercise their right to privacy, telephone subscribers must be able to limit the dissemination of their telephone numbers to persons of their choosing.

**Sec. 2. 35-A MRSA §7102, sub-§1-A** is enacted to read:

**1-A. Caller-ID.** "Caller-ID" means a service that allows a person who receives a telephone call to know, by means of an appropriate device, the telephone access line identification number or other telephone access line identification information. "Caller-ID" does not include the following:

A. An identification service that is used within the same limited system, including but not limited to a private branch exchange, or PBX, system or a Centrex system;

B. An identification service provided in connection with audiotext services, as defined in section 801, toll-free, or "800" access code, telephone service or a similar telephone service;

C. An identification service that provides billing information to another telephone utility or to others providing service to a customer;

D. An identification service that is used on a public agency's emergency telephone line or on the line that receives the 9-1-1 or primary emergency telephone number; and

E. An identification service provided in connection with legally sanctioned call tracing or tapping procedures.

**Sec. 3. 35-A MRSA §7103**, as enacted by PL 1991, c. 252, §2 and c. 352, §1, is repealed and the following enacted in its place:

**§7103. Automated calling procedures**

**1. Rulemaking.** The commission shall adopt rules to establish the following:

A. A notification procedure for any customer of a telephone utility who does not want to receive automated telephone calls pursuant to Title 10, section 1498; and

B. A procedure to prevent users of automated telephone calling devices from dialing the telephone numbers of customers who do not want to be called.

**2. Fees by telephone utilities.** A telephone utility may not charge a customer a fee for an action taken by the utility in response to the customer's request not to receive automated telephone calls.

**Sec. 4. 35-A MRSA §§7104 and 7105** are enacted to read:

**§7104. Affordable telephone service**

The commission shall require each local telephone company to participate in statewide outreach programs designed to increase the number of low-income telephone customers on the network through increased participation in any universal service programs approved by the commission. The commission may adopt rules to implement this section.

**§7105. Caller-ID**

Caller-ID services provided in this State are subject to the following.

**1. Per-call blocking.** At least 2 months prior to initiating any caller-ID service, and throughout the period that caller-ID service is offered to subscribers in this State, telephone utilities must advertise and immediately upon initiating such service must offer to all subscribers free per-call blocking. The commission shall review the form and content of advertising required under this section.

**2. Per-line blocking.** In any order in which the commission approves the offering of caller-ID in this State, the commission shall require per-line blocking to be provided to individuals, agencies and groups that submit a written request to the telephone utility asserting a specific need for per-line blocking for reasons of health and safety. Telephone utilities may not charge a subscriber a fee for the first per-line blocking or unblocking of the subscriber's line. Except as otherwise authorized by law or to confirm that a subscriber has made a valid request, telephone utilities may not disclose information concerning the request for per-line blocking submitted by an individual, agency or group.

**3. Penalty.** A person who knowingly violates this section commits a civil violation for which a forfeiture not to exceed \$1,000 may be adjudged for each offense.

**Sec. 5. Effective date.** This Act takes effect 120 days after the adjournment of the Second Regular Session of the 115th Legislature.

Effective July 29, 1992.