

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**November 28, 1995 to December 1, 1995**

**SECOND REGULAR SESSION**  
**January 3, 1996 to April 4, 1996**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 4, 1996**

**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**  
**1995**

meeting. The meeting must be held no later than 60 days after the municipal officers receive notice under section 901. County commissioners notified under section 901 must also hold a public meeting to act on the issue of dam ownership not later than 60 days after receiving notification.

See title page for effective date.

## CHAPTER 631

### H.P. 618 - L.D. 828

#### An Act to Provide Affordable Access to Information Services in All Communities of the State through Enhanced Library and School Telecommunications

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

**Sec. 1.** 35-A MRSA §7101, sub-§3, as amended by PL 1993, c. 638, §1, is repealed.

**Sec. 2.** 35-A MRSA §7101, sub-§4 is enacted to read:

**4. Information access.** The Legislature further declares and finds that computer-based information services and information networks are important economic and educational resources that should be available to all Maine citizens at affordable rates. It is the policy of the State that affordable access to those information services that require a computer and rely on the use of the telecommunications network should be made available in all communities of the State without regard to geographic location.

**Sec. 3.** 35-A MRSA §7104-A is enacted to read:

#### §7104-A. Access to information services

**1. Additional authority.** To carry out the policy goals established by section 7101, subsections 1, 2 and 4 and to meet the requirements of sections 301 and 9103 pertaining to the establishment of just and reasonable rates, the commission may:

A. Require a telecommunications carrier offering intrastate telecommunications services to provide telecommunications services, including instruction and equipment related to such services, at reduced charges or at no charge to qualified libraries and schools for the establishment and use of a program providing access to information networks;

B. Require a telecommunications carrier offering intrastate telecommunications services to provide funds for qualified libraries and schools to obtain telecommunications services, including instruction and equipment related to such services, from other vendors if the provision of such services is found by the commission to be consistent with the policies described in this section; and

C. Establish a telecommunications access fund and require all telecommunications carriers offering telecommunications services in the State to contribute to the fund. The fund must be available, with any accumulated interest, to qualified libraries and schools to assist in paying the costs of acquiring and using advanced telecommunications technologies.

The authority granted to the commission under this subsection is in addition to any other authority granted by this Title.

**2. Limitations.** In carrying out the authority granted by subsection 1, the commission:

A. Shall limit the annual cost to each telecommunications carrier of all programs to not more than 1.5% of its intrastate revenues as determined by the commission;

B. Shall ensure that funds are collected from each telecommunications carrier in a competitively neutral manner;

C. Shall attribute any amount collected from a telecommunications carrier pursuant to subsection 1 as an offset to any required intrastate support mechanism developed by the commission to preserve and advance universal service; and

D. May not exercise that authority with respect to any telecommunications carrier other than a local exchange carrier serving more than 100,000 lines, until September 30, 1997, except to the extent required by federal law.

**3. 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; a library operated by a public school as defined in Title 20-A, section 1, subsection 24 that provides free public access to all advanced telecommunications services available at that library; 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 secondary school approved under Title 20-A, section 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 set forth in 47 United States Code, Section 153 (1996).

**4. Review of progress; report.** The commission shall report annually, beginning February 1, 1997, to the joint standing committee of the Legislature having jurisdiction over utilities matters on the following:

A. The progress made in meeting the goal of providing affordable access to advanced information services in all communities of the State without regard to geographic location, as established in section 7101, subsection 4;

B. The extent to which such affordable access to advanced information services is made available through qualified libraries and schools;

C. The progress made in reaching benchmarks established by the commission for the purpose of measuring the successes and shortcomings of any measures required by the commission pursuant to subsection 1. The benchmarks must include the number of qualified libraries and schools benefiting from such measures, the geographic distribution of those libraries and schools and the number of hours each qualified library or school is using advanced telecommunications technologies;

D. The use of funds expended in the previous year pursuant to subsection 1, the source of those funds and the planned expenditures for the next year. The report that is due February 1, 2000 must include recommendations for the disposition of any funds remaining in a telecommunications access fund established pursuant to subsection 1 upon the repeal of that subsection;

E. Whether toll barriers and the designation of calling areas are impeding the achievement of

the goal established in section 7101, subsection 4;

F. The extent to which the goal established in section 7101, subsection 4 is promoted or impeded by the federal Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56, increased local telephone competition and cable television deregulation; and

G. Recommendations for legislation.

In preparing the report, the commission shall consult with the State Planning Office, the Public Advocate, the Department of Administrative and Financial Services, the Department of Education, the Maine Library Commission, representatives of low-income citizens, representatives of the business community and providers of telecommunications services. The commission shall provide copies of the report to the public, the Director of the State Planning Office and the Public Advocate sufficiently in advance of submittal of the final report to permit submittal of written comments on the commission's analysis and recommendations. The written comments of the Director of the State Planning Office and the Public Advocate must be included as attachments to the commission's final report.

The joint standing committee of the Legislature having jurisdiction over utilities matters may report out legislation regarding access to information services to the First Regular Session and Second Regular Session of the 118th Legislature.

**5. Repeal.** Subsections 1 and 2 are repealed on February 1, 2001.

**Sec. 4. Construction.** Notwithstanding the Maine Revised Statutes, Title 1, section 302, the mechanisms for providing public access to information services at schools and libraries throughout the State, as approved by the Public Utilities Commission in Docket Numbers 94-123 and 94-254, are considered adopted pursuant to the policy statement found in section 2 of this Act and the authority provided by section 3 of this Act.

**Sec. 5. Retroactivity.** This Act applies retroactively to May 1, 1995.

**Sec. 6. Allocation.** The following funds are allocated from the Telecommunications Access Fund to carry out the purposes of this Act.

1996-97

## **PUBLIC UTILITIES COMMISSION**

### **Telecommunications Access Fund**

All Other \$4,000,000

Provides an allocation to allow the Public Utilities Commission to distribute funds to qualified libraries and schools to offset the costs of acquiring and using telecommunications services.

See title page for effective date.

## CHAPTER 632

H.P. 807 - L.D. 1124

### An Act Regarding School Facilities and Debt Service Limits

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

**Sec. 1. 20-A MRSA §15905, sub-§1, ¶A,** as amended by PL 1993, c. 693, §1, is further amended to read:

A. The state board may approve projects as long as no project approval will cause debt service costs, as defined in section 15603, subsection 8, paragraph A, to exceed the maximum limits specified in Table 1 in subsequent fiscal years.

Table 1

Fiscal year	Maximum Debt Service Limit
1990	\$48,000,000
1991	\$57,000,000
1992	\$65,000,000
1993	\$67,000,000
1994	\$67,000,000
1995	\$67,000,000
1996	\$67,000,000
1997	\$67,000,000
1998	\$67,000,000
1999	\$69,000,000
2000	\$70,000,000

**Sec. 2. 20-A MRSA §15905, sub-§6** is enacted to read:

**6. Facility maintenance plan required.** The state board shall require a school administrative unit applying for state funds for a school construction project to establish a facility maintenance plan for the projected life cycle of the proposed school building. The department shall provide technical assistance to school administrative units in carrying out this section. Assistance must include, but is not limited to, the provision of a model facility maintenance plan and the provision of technical and other assessment information from the school facilities inventory under section 15917.

**Sec. 3. 20-A MRSA §15917** is enacted to read:

#### §15917. School facilities inventory

**1. Inventory.** The department shall conduct an inventory of all public school facilities in the State through a survey sent to each school principal. For the inventory, the school principal shall identify each public school building and include the following information for each building for which that principal serves as the principal:

A. A systematic and comprehensive assessment of the physical condition of the building;

B. Building use statistics; and

C. A list of rooms by program area.

The survey must be completed by December 1, 1996.

**2. Data base established.** The department shall establish and maintain a school facilities data base. The data base must be available for inclusion in the education information system maintained by the Education Research Institute and established in section 10.

**3. Inventory updated.** The department shall update information from the inventory at least every 3 years.

**Sec. 4. State Board of Education to convene study.** The State Board of Education shall convene a study group to review and make recommendations on school construction issues. The chair of the state board shall appoint at least 6 members to the study group. The President of the Senate and the Speaker of the House of Representatives shall each appoint one member from the Joint Standing Committee on Education and Cultural Affairs to serve on the study group. The study group shall submit its report to the Joint Standing Committee on Education and Cultural Affairs by December 1, 1996. The study group shall consider the following issues:

1. Requiring a minimum local contribution from a school administrative unit for school construction