

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

SECOND REGULAR SESSION
January 7, 1998 to March 31, 1998

SECOND SPECIAL SESSION
April 1, 1998 to April 9, 1998

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1998

SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 9, 1998

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

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Augusta, Maine
1997

A. "Electronic record" means a record whose content is not readable unless retrieved by means of an electronic device such as a computer or an audio or video player.

B. "Record" means all documentary material, regardless of media or characteristics, made or received and maintained by an agency in accordance with law or rule or in the transaction of its official business. "Record" does not include extra copies of printed or processed material of which official or record copies have been retained, stocks of publications and processed documents intended for distribution or use or records relating to personal matters that may have been kept in an office for convenience.

2. Effect. A record may not be denied legal effect, validity or enforceability solely because it is in the form of an electronic record.

3. Accuracy. The assessment of accuracy and integrity of information set forth in electronic records is governed by the following.

A. If a rule of law requires a record to be presented or retained in its original form or provides consequences for the record not being presented or retained in its original form, that requirement is met by an electronic record if there exists a reliable assurance as to the integrity of the information set forth in the electronic record at the time it was first generated in its final form, whether as an electronic record or in another form. Reliable assurance may be based on documentation of standard operating, access and security procedures governing the system that manages the electronic record.

B. The integrity and accuracy of the information in an electronic record are determined by whether the information has remained complete and unaltered, apart from the addition of any endorsement and any change that arises in the normal course of communication, storage and display. The standard of reliability required must be assessed in light of the purpose for which the information was generated and in light of all the relevant circumstances.

4. Retention. The ability of electronic records to meet legal requirements regarding the retention of documents, records or information is governed by the following.

A. If a rule of law requires that certain documents, records or information be retained, that requirement is met by retaining electronic records as long as the following conditions are satisfied:

(1) The information contained in the electronic record remains accessible so that it is usable for subsequent reference;

(2) The electronic record is retained in the format in which it was generated, stored, sent or received, or in a format that can be demonstrated to reflect accurately the information as originally generated, stored, sent or received; and

(3) Any information that enables the identification of the source or origin and destination of an electronic record and the date and time when it was sent or received is retained.

B. A requirement to retain documents, records or information in accordance with paragraph A does not extend to any information the sole purpose of which is to enable the record to be sent or received.

C. A person may satisfy the requirement referred to in paragraph A by using the services of any other person as long as the conditions set forth in paragraph A, subparagraphs (1) to (3) are met.

D. Nothing in this subsection precludes any state agency from specifying additional requirements for the retention of records, either written or electronic, that are subject to the jurisdiction of that agency.

See title page for effective date.

CHAPTER 637

H.P. 1483 - L.D. 2082

An Act to Improve the Integrity of the Citizen Initiative Process

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

Sec. 1. 21-A MRSA §903-A, sub-§§1 and 2, as enacted by PL 1993, c. 695, §35 and affected by §38, are amended to read:

1. Filing. Filing of petitions in accordance with the deadlines specified in the Constitution of Maine, Article IV, Part Third, Section 18 must be completed within ~~3 years~~ one year of the date of issuance under this chapter.

2. Invalid petition. Petitions not filed in accordance with the deadlines specified in the Constitution of Maine, Article IV, Part Third, Section

18 within ~~3 years~~ one year of the date of issuance under this chapter are invalid for circulation.

Sec. 2. Application. This Act does not apply to petitions for which the date of issuance as described in the Maine Revised Statutes, Title 21-A, section 901 is prior to April 1, 1998.

See title page for effective date.

CHAPTER 638

S.P. 740 - L.D. 2018

An Act to Protect Customers of Consumer-owned Utilities

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

Sec. 1. 35-A MRSA §3212, first ¶, as enacted by PL 1997, c. 316, §3, is amended to read:

~~When~~ Except as provided in subsection 6, when retail access begins, the commission shall ensure that standard-offer service is available to all consumers of electricity.

Sec. 2. 35-A MRSA §3212, sub-§6 is enacted to read:

6. Consumer-owned utilities. Notwithstanding any other provision of this section, the commission is not required to conduct a competitive bidding process or select a standard-offer service provider or providers for the territory of a consumer-owned transmission and distribution utility if the consumer-owned transmission and distribution utility chooses one or more standard-offer service providers for its territory through a competitive bidding process conducted in accordance with the commission's rules governing the selection and criteria for approval of a standard-offer service provider. Selection of a standard-offer service provider or providers and agreements with or purchases from a standard-offer service provider or providers are not subject to the approval requirements of section 3133 or 3133-A. A consumer-owned transmission and distribution utility may choose a single standard-offer service provider. A consumer-owned transmission and distribution utility that intends to choose a standard-offer service provider or providers in accordance with this subsection shall notify the commission.

See title page for effective date.

CHAPTER 639

S.P. 802 - L.D. 2172

An Act to Provide for the Licensing, Inspection and Labeling of Farmstead Cheese

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

Sec. 1. 7 MRSA §2901, sub-§8-D is enacted to read:

8-D. Farmstead cheese. "Farmstead cheese" means cheese that is manufactured within the State and that is produced on the same farm on which the milk is produced from milk that is heat treated but is not pasteurized.

Sec. 2. 7 MRSA §2904-A is enacted to read:

§2904-A. Farmstead cheese

1. Inspection. The department shall inspect the processing of farmstead cheese using the same standards used to inspect other cheeses.

2. Licensing. A producer may not sell farmstead cheese unless licensed in accordance with this section. The department shall issue a license to a farmstead cheese producer in accordance with the same standards used to issue licenses to other cheese producers.

3. Labeling. The department shall establish rules for the labeling of farmstead cheese. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

4. Sale restrictions. Farmstead cheese may only be sold from the farm where it is produced and through farm stands and farmers' markets, as defined in section 415.

See title page for effective date.

CHAPTER 640

H.P. 1370 - L.D. 1920

An Act to Promote Competitiveness Regarding the Sale of Recreational Vehicles by Allowing Better Discounts

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