

# 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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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

used by the commission only for the purposes of designing and implementing the consumer education program established pursuant to subsection 2. Funds in the fund not expended during any fiscal year may not lapse but must be carried forward. Any funds remaining in the fund at the conclusion of the consumer education program established pursuant to subsection 2 must be returned proportionally to utilities assessed under this subsection and passed through to ratepayers in an appropriate rate-setting proceeding.

**Sec. 9. Allocation of the Public Utilities Commission Consumer Education Fund.** The Public Utilities Commission Consumer Education Fund must be allocated as designated in the following schedule.

|  | 1997-98   | 1998-99   |
|--|-----------|-----------|
| <b>PUBLIC UTILITIES COMMISSION</b>   |           |           |
| <b>Consumer Education Fund</b>   |           |           |
| All Other  | \$200,000 | \$600,000 |
| Allocates funds to fund the Public Utilities Commission consumer education program established pursuant to the Maine Revised Statutes, Title 35-A, section 3213. |           |           |

**Sec. 10. Application.** Notwithstanding the Maine Revised Statutes, Title 1, section 302, sections 1 to 3 of this Act apply to all proceedings pending on the effective date of this Act except that Title 35-A, section 1311-A, subsections 1 and 2 do not apply to pending or future Public Utilities Commission proceedings in which the commission reviews a proposed sale of generation assets divested by an investor-owned electric utility pursuant to Title 35-A, section 3204.

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

Effective April 3, 1998.

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**CHAPTER 692**

**H.P. 1661 - L.D. 2288**

**An Act Regarding Telecommunications Regulation**

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

**Sec. 1. 35-A MRSA §7104**, as enacted by PL 1991, c. 654, §4 and affected by §5, is repealed and the following enacted in its place:

**§7104. Affordable telephone service**

**1. Low-income support.** The commission shall require telephone utilities 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 program approved by the commission.

**2. General availability.** The commission shall seek to ensure that similar telecommunication services are available to consumers throughout all areas of the State at reasonably comparable rates.

**3. Authority.** The commission shall adopt rules to implement this section and may require providers of intrastate telecommunications services to contribute to a state universal service fund to support programs consistent with the goals of applicable provisions of this Title and the federal Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56. Prior to requiring that providers of intrastate telecommunications services contribute to a state universal service fund, the commission shall assess the telecommunications needs of the State's consumers and establish the level of support required to meet those needs. If the commission establishes a state universal service fund pursuant to this section, the commission shall contract with an appropriate independent fiscal agent that is not a state entity to serve as administrator of the state universal service fund. Funds contributed to a state universal service fund are not state funds. Rules and any state universal service fund requirements established by the commission pursuant to this section must:

A. Be reasonably designed to maximize federal assistance available to the State for universal service purposes;

B. Meet the State's obligations under the federal Telecommunications Act of 1996, Public Law 104 - 104, 110 Stat. 56;

C. Be consistent with the goals of the federal Telecommunications Act of 1996, Public Law 104 - 104, 110 Stat. 56;

D. Ensure that any requirements regarding contributions to a state universal service fund be nondiscriminatory and competitively neutral;

E. Require explicit identification on customer bills of contributions to any state universal service fund established pursuant to this section; and

F. Allow consideration in appropriate rate-making proceedings of contributions to any state universal service fund established pursuant to this section.

Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

**4. Standards and reporting.** The commission, annually, shall assess the penetration rate of basic telecommunications services. If this penetration rate ever falls more than 2% below the national average penetration rate, the commission shall commence an investigation and take steps to enhance telecommunications market penetration. The commission, annually, shall assess the success of any actions taken by the commission to achieve the purposes of this section. In the annual report submitted by the commission pursuant to section 120, the commission shall include a description of any actions taken pursuant to this section and assessments made pursuant to this subsection.

See title page for effective date.

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**CHAPTER 693**

**H.P. 1028 - L.D. 1445**

**An Act to Establish a Requirement That Holders of Lobster Fishing Licenses Must Own or Control the Vessel from Which They Conduct Authorized Activities**

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

**Sec. 1.** 12 MRSA §6431-E is enacted to read:

**§6431-E. Vessel limitation**

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

A. "Family member" means a brother, sister, son-in-law, daughter-in-law, parent by blood, parent by adoption, mother-in-law, father-in-law, child by blood, child by adoption, stepchild, stepparent, grandchild or grandparent.

B. "Owner" means:

(1) An individual who is the owner of a vessel registered under chapter 715, subchapter I or the owner of a vessel documented under 46 Code of Federal Regulations, Part 67;

(2) The person who owns the highest percentage of a partnership, corporation or other entity that is the owner of a vessel registered under chapter 715, subchapter I or a vessel documented under 46 Code of Federal Regulations, Part 67; or

(3) When 2 or more people own in equal proportion the highest percentages of a partnership, corporation or other entity that owns a vessel registered under chapter 715, subchapter I or a vessel documented under 46 Code of Federal Regulations, Part 67, one of the highest percentage owners as designated by the owners of that partnership, corporation or other entity.

C. "Qualifying period" means any 46 days during 3 consecutive months in one calendar year.

D. "Replacement vessel" means a vessel that is substituted for the use of a vessel that is no longer utilized by an individual, partnership, corporation or other entity.

**2. Owner or family member on board.** Except as provided in subsection 3, beginning January 1, 2000 a person who holds a Class I, Class II or Class III lobster and crab fishing license may not fish for or take lobsters from a vessel unless:

A. The owner of that vessel is present on that vessel and holds a Class I, Class II or Class III lobster and crab fishing license; or

B. A family member of the vessel owner under paragraph A is present on that vessel and holds a Class I, Class II or Class III lobster and crab fishing license.

**3. Exemptions; individuals.** The commissioner may authorize a person to fish for or take lobsters from a vessel when an owner or family member is not on board pursuant to subsection 2 if that person holds a Class I, Class II or Class III lobster and crab fishing license and:

A. The owner of that vessel holds a Class I, Class II or Class III lobster and crab fishing license, documents to the commissioner that an illness or disability temporarily prevents that owner from fishing for or taking lobsters from that vessel, and requests in writing to the commissioner that the commissioner authorize that person to use that vessel to fish for or take lobsters and tend the owner's traps pursuant to section 6434;

B. Is the owner of a vessel that has become temporarily inoperable because of an accident or a mechanical failure and requests in writing per-