

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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

J.S. McCarthy Company
Augusta, Maine
1999

A. The Public Utilities Commission shall determine which carriers are to be assessed under this subsection based on an evaluation of the extent of business activity undertaken by carriers in the State and the practicalities of making the assessment. The Public Utilities Commission shall include as many carriers as reasonably practicable in order to ensure a fair and broad allocation of the assessment.

B. The Public Utilities Commission shall establish an assessment schedule that is proportional to the gross annual revenues of the carriers identified for assessment and that will generate an annual aggregate of \$85,000.

C. A telecommunications carrier doing business in this State, including a provider of interstate services and a provider of wireless services, shall provide to the Public Utilities Commission, on request, records relating to its gross revenues. At the request of a carrier, the Public Utilities Commission may issue a protective order in accordance with the Maine Rules of Civil Procedure, Rule 26 (c) to protect any confidential business information provided by the carrier. Records placed under protective order by the Public Utilities Commission to this paragraph are within the scope of a privilege against discovery within the meaning of Title 1, section 402, subsection 3, paragraph B and are not public records while under the protective order.

Sec. 3. PL 1997, c. 751, Pt. A, §5 is repealed.

Sec. 4. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	1999-00	2000-01
LABOR, DEPARTMENT OF		
Rehabilitation Services		
All Other	\$85,000	\$85,000
Provides additional allocations for the Telecommunications Equipment Fund.		

See title page for effective date.

CHAPTER 228

H.P. 803 - L.D. 1126

An Act to Increase Internal Plumbing Fees and Remedy Inconsistencies in Plumbing Laws

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

Sec. 1. 30-A MRSA §4211, sub-§1, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

1. Municipal ordinances. Municipalities may enact ordinances under their home rule authority ~~which that~~ are more restrictive than rules governing plumbing or subsurface ~~waste-water wastewater~~ disposal systems adopted by the ~~department~~ Department of Professional and Financial Regulation and the Department of Human Services, respectively. ~~The~~ Either department may provide technical assistance to municipalities in the development of ordinances under this subchapter, pertaining to their respective rules. The municipality shall enforce any such ordinance.

Sec. 2. 30-A MRSA §4211, sub-§2, as amended by PL 1993, c. 404, Pt. C, §1, is further amended to read:

2. State rules. ~~No~~ A municipal ordinance may ~~not~~ be less restrictive than the rules of the department relating to ~~plumbing or~~ subsurface ~~waste-water wastewater~~ disposal systems as adopted under Title 22, section 42. The rules of the department relating to all ~~plumbing or~~ subsurface ~~waste-water wastewater~~ disposal systems have full force and effect, provided that, to the extent that a municipality has enacted more restrictive ordinances, the provisions of those ordinances prevail.

Sec. 3. 30-A MRSA §4211, sub-§5, as amended by PL 1997, c. 106, §1, is further amended to read:

5. Permit fees. The following permit fees may be charged.

A. A plumbing permit fee of \$4 ~~\$6~~ per internal fixture may be charged.

~~B. A maximum plumbing permit fee of \$4 may be charged for all other internal plumbing work.~~

C. A minimum fee, not to exceed ~~\$12~~ \$24, may be charged for all internal plumbing permits combined.

D. A nonengineered subsurface ~~waste-water wastewater~~ disposal system fee not to exceed \$100 may be charged.

Sec. 4. 30-A MRSA §4212, sub-§§1 and 2, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, are further amended to read:

1. Administration of rules. The department is responsible for ensuring the proper administration of the ~~plumbing and~~ subsurface ~~waste-water wastewater~~

disposal rules and permitting processes by municipalities. The department shall assist municipalities in complying with this subchapter and with section 3428.

2. Review. The department shall review the administration of ~~plumbing and subsurface waste water~~ wastewater disposal rules and laws in each municipality for compliance with this subchapter and with section 3428. This review ~~shall~~ must be made on a regular basis and may be made in response to a written complaint from any person as necessary. The department shall inspect the municipality's records and discuss the administration of the program with the local plumbing inspector. The local plumbing inspector shall be available during the department's review and shall cooperate in providing all necessary information. The department shall report the results of its review in writing to the municipality and, when applicable, to the complainant. The written notice ~~shall~~ must set forth the department's findings of whether the municipality is in compliance with this subchapter and section 3428.

Sec. 5. 30-A MRSA §4214, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

§4214. Legislative intent

It is the intent of the Legislature that local jurisdictions have primary responsibility for enforcing rules adopted by the department governing the installation and inspection of ~~plumbing and subsurface waste water~~ wastewater disposal systems. The adoption of rules by the department does not deny municipal authority under section 3001 to adopt more restrictive ordinances.

Sec. 6. 30-A MRSA §4215, sub-§4, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

4. Fees. The plumbing inspector shall issue any permit under this section upon receipt and approval of a completed application form as prescribed by the commissioner and payment by the applicant of the fee established by the municipality. The fee must be at least the minimum amount determined by rule of the department. One-quarter of the amount of the minimum fee ~~shall~~ must be paid through the department to the Treasurer of State to be maintained as a permanent fund and used by the department to implement its ~~plumbing and subsurface waste water~~ wastewater disposal rules and, to train and certify local plumbing inspectors administer the receipt and collation of completed permits and to issue plumbing permit labels to the municipality and by the State Planning Office for training and certification of local plumbing inspectors. The remainder of the fee ~~shall~~ must be paid to the treasurer of the municipality.

Sec. 7. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	1999-00	2000-01
EXECUTIVE DEPARTMENT		
State Planning Office		
Positions - Legislative Count	(1,000)	(1,000)
Personal Services	\$27,143	\$36,190
All Other	9,867	13,156
Allocates funds to continue funding for a Research and Planning Associate position that has some responsibility for code enforcement officer training and certification. This position is currently funded with federal funds.		
EXECUTIVE DEPARTMENT TOTAL		
	\$37,010	\$49,346

See title page for effective date.

CHAPTER 229

H.P. 1384 - L.D. 1991

An Act to Protect Customers of Nonbank Cash-dispensing Machines

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

Sec. 1. 9-B MRSA §131, sub-§35, as amended by PL 1997, c. 398, Pt. A, §24, is further amended to read:

35. Satellite facility. "Satellite facility" means any facility, automated device or electronic terminal established by a financial institution authorized to do business in this State at which an existing financial institution customer may initiate banking transactions, including, but not limited to, cash deposits to and withdrawals from that customer's account, cash advances on a preauthorized credit line, transfers between ~~checking and savings~~ deposit or share accounts or payment transfers from the customer's account to accounts of other financial institution customers. Such a facility is not permanently staffed and is not part of a main office or branch office of a financial institution. Such a facility may be part of an electronic funds transfer system. Satellite facilities