

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

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
2000

municipal officers, may return to the municipal general fund any tax increment revenues remaining in the project cost account in excess of those estimated to be required to satisfy the obligations of the development project cost account after taking into account any transfer permitted by paragraph C. In either case the corresponding amount of local valuation may not be included as part of the ~~retained~~ captured assessed value as specified by the municipality.

Notwithstanding the provisions of section 5253, subsection 1, paragraph F and any other provision of law, in the case of investments exceeding \$100,000,000 in shipyard facilities in districts authorized prior to June 30, 1999, revenues must be set aside and deposited by the municipality to the appropriate development program fund account and expended to satisfy the obligations of the accounts without the need for further action by the municipality by appropriation or otherwise. Unless otherwise provided by the municipality in connection with its approval of the district, tax increment revenues on all captured assessed value may not be taken into account for purposes of calculating any limitation on the municipality's annual expenditures or appropriations and the payment of tax increment revenues on captured assessed value is not subject to any limitation or restriction on the municipality's authority or power to enter into contracts with respect to making payments for a term equal to the term of the district.

See title page for effective date.

CHAPTER 651

S.P. 939 - L.D. 2389

**An Act to Facilitate the
Implementation of the E-9-1-1
System**

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

Whereas, the enhanced 9-1-1 system is currently being implemented in portions of the State; and

Whereas, upon implementation it is necessary that the Maine primary and official emergency telephone number is 9-1-1; and

Whereas, 9-1-1 must be published and advertised uniformly to ensure its use and also regulated to limit its application to emergency telephone calls; and

Whereas, the statutory provisions regarding the collection and remittance of the special statewide

E-9-1-1 surcharge were repealed and must be reinstated retroactively; 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:

Sec. 1. 25 MRSA §2927, sub-§§1-B and 2-B are enacted to read:

1-B. Statewide E-9-1-1 surcharge. The activities authorized under this chapter are funded through a special statewide E-9-1-1 surcharge levied on each residential and business telephone exchange line, including private branch exchange lines and Centrex lines, cellular or wireless telecommunications service subscribers and semipublic coin and public access lines. The statewide E-9-1-1 surcharge may not be imposed on more than 25 lines or numbers per customer billing account. The statewide E-9-1-1 surcharge is 32¢ per month per line or number. The statewide E-9-1-1 surcharge must be billed on a monthly basis by each local exchange telephone utility or cellular or wireless telecommunications service provider and be shown separately as a statewide E-9-1-1 surcharge on the customer's bill.

2-B. Surcharge remittance. Each local exchange telephone utility and cellular or wireless telecommunications service provider shall remit the statewide E-9-1-1 surcharge revenues collected from its customers pursuant to this section on a monthly basis to the Treasurer of State for deposit in a separate account known as the E-9-1-1 fund.

Sec. 2. 25 MRSA §2927, sub-§3, as amended by PL 1997, c. 409, §1, is further amended to read:

3. Expenditure of funds. The bureau may use the revenues in the E-9-1-1 fund to fund staff and to defray costs associated with the implementation, operation and management of E-9-1-1. The bureau, to the extent it determines sufficient funds are available in the E-9-1-1 fund, shall use revenues in the E-9-1-1 fund to reimburse local exchange carriers for eligible expenses incurred by the carriers. For purposes of this subsection, the term "eligible expenses" means expenses:

A. Incurred in preparing, correcting, verifying or updating subscriber information for use in databases necessary to implement the E-9-1-1 system; and

B. Determined by the Public Utilities Commission to meet the requirements of paragraph A and to be reasonable expenses for the services provided.

The Public Utilities Commission, in consultation with the bureau, shall establish procedures for reviewing and approving expenses pursuant to paragraph B.

Sec. 3. 25 MRSA §2932 is enacted to read:

§2932. Designated emergency telephone number

1. Designated emergency telephone number.

The primary telephone number to be used in a telephone exchange to request emergency services following the activation of E-9-1-1 services for that exchange, including the number for telecommunications devices for communication for the deaf, hard-of-hearing and speech-impaired, is 9-1-1.

2. Publishing of 9-1-1. A publisher of a directory of Maine telephone numbers for use by telephone subscribers in Maine must include in a conspicuous portion of the directory:

A. For any area within the directory in which E-9-1-1 has not been activated, the emergency numbers of the State Police and any sheriffs' departments that serve the area; and

B. For any area within the directory in which E-9-1-1 has been activated, the number 9-1-1 as the primary telephone number to request emergency services. The number "9-1-1" must be accompanied by words indicating it is accessible by teletypewriter device, or TTY, such as "TTY/Voice." A publisher is not required to update a directory following an activation of E-9-1-1 within the directory area until the next regular printing of the directory.

3. Commercial use of the number 9-1-1. The number 9-1-1 may not be used for commercial purposes in a manner that is deceptive or likely to produce confusion with respect to its use as the primary emergency telephone number to request emergency services.

4. Display of 9-1-1. When displayed on signs and in other formats designed to advertise the number and its use to the public printed after the effective date of this subsection or on emergency vehicles, 9-1-1 must be:

A. Printed in plain block numerals with a dash between the numerals;

B. Accompanied by the word "emergency"; and

C. Except in the case of emergency vehicles, accompanied by words indicating accessibility by teletypewriter device, such as "TTY/Voice."

5. Penalty. Violation of subsection 3 is a civil offense for which a forfeiture of up to \$500 may be adjudged. A forfeiture may not be imposed under this subsection unless the person alleged to have violated subsection 3 received notification from the bureau director that the person's commercial use of the number 9-1-1 is, in the opinion of the bureau director, a violation of subsection 3 and the person has been provided an opportunity to respond to that notification prior to the filing of an action pursuant to this subsection.

Sec. 4. Application and implementation.

Notwithstanding the Maine Revised Statutes, Title 25, section 2927, subsection 1-B, a local exchange carrier or cellular or wireless telecommunications service provider that billed customers a surcharge in accordance with the terms of former Title 25, section 2927, subsection 1-A after that section was repealed pursuant to Title 25, section 2927, subsection 7-A may not bill customers for the surcharge established pursuant to Title 25, section 2927, subsection 1-B for that number of billing cycles after the effective date of this Act that equals the number of billing cycles after the repeal of former Title 25, section 2927, subsection 1-A that the local exchange carrier or cellular or wireless telecommunications service provider billed customers in accordance with the terms of former Title 25, section 2927, subsection 1-A.

All surcharges collected in accordance with the terms of former Title 25, section 2927, subsection 1-A after that section was repealed pursuant to Title 25, section 2927, subsection 7-A are retroactively approved and ratified. All surcharges collected pursuant to former Title 25, section 2927, subsection 1-A must be remitted by all entities holding such collected surcharges to the Treasurer of State for deposit in the E-9-1-1 fund as payment in lieu of the amounts that would have been imposed and collected pursuant to Title 25, section 2927, subsection 1-B but for the provisions of this section.

Sec. 5. Study of wireless expenses. The Department of Public Safety, Emergency Services Communication Bureau shall undertake an examination of the costs that may be incurred by wireless telecommunications providers in the employment of network-based location technology and handset-based technology in order to facilitate the development of the E-9-1-1 system. The bureau's examination must include at least an assessment of:

1. The potential amount of these costs and when they will be incurred;

2. The extent to which the costs are or might be reimbursed through federal or other funding sources;

3. The basis for the imposition of federal requirements regarding the employment of network-based location technology and handset-based technology, including whether the requirements are related to the awarding of certain telecommunications privileges; and

4. Whether, in the bureau's opinion, these costs should be reimbursed from the E-9-1-1 fund and the amount the E-9-1-1 surcharge would need to be increased to fund such reimbursement.

The bureau shall provide an interim report on these matters to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters no later than February 1, 2001 and a final report no later than February 1, 2002. The joint standing committee of the Legislature having jurisdiction over utilities and energy matters may report out legislation on E-9-1-1 funding to the First or Second Regular Session of the 120th Legislature.

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

Effective April 10, 2000.

CHAPTER 652

H.P. 1766 - L.D. 2479

An Act to Enhance Public Safety By Updating the Laws Pertaining to Explosives and Flammable Liquids

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

Sec. 1. 17-A MRSA §1001, sub-§2, ¶B, as enacted by PL 1975, c. 499, §1, is amended to read:

B. "Regulations" means the rules, regulations, ordinances and bylaws issued by lawful authority pursuant to Title 25, section ~~2441~~ 2472.

Sec. 2. 25 MRSA §2433 is repealed.

Sec. 3. 25 MRSA §2440, as repealed and replaced by PL 1979, c. 663, §154, is amended to read:

§2440. Penalties; recovery and appropriation

Penalties provided in sections 2432, ~~2433~~, ~~2436 A~~ and 2439 may be recovered by complaint, indictment or civil action, 1/2 to the municipality where the offense is committed and 1/2 to the State.

Sec. 4. 25 MRSA §2441, as amended by PL 1997, c. 727, Pt. C, §6, is repealed.

Sec. 5. 25 MRSA §2443 is repealed.

Sec. 6. 25 MRSA §2444, as amended by PL 1997, c. 728, §23, is repealed.

Sec. 7. 25 MRSA §2445, as amended by PL 1971, c. 592, §35, is repealed.

Sec. 8. 25 MRSA §2446, as amended by PL 1985, c. 11, §1, is repealed.

Sec. 9. 25 MRSA c. 318 is enacted to read:

CHAPTER 318

EXPLOSIVES AND FLAMMABLE LIQUIDS

SUBCHAPTER I

EXPLOSIVES

§2471. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Commissioner. "Commissioner" means the Commissioner of Public Safety.

2. Explosive. "Explosive" means any chemical compound, mixture or device that is designed to function by explosion. The term includes, but is not limited to, dynamite, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cords, igniter cords and igniters.

3. Magazine. "Magazine" means a specially constructed building or structure approved for the storage of explosive materials.

4. Permit. "Permit" means the nontransferable permission granted by the commissioner containing one or more of the following endorsements: use, storage and intrastate transportation of explosives.

5. Person. "Person" means any individual, partnership, corporation, combination of these entities or any other legal entity.

§2472. Explosives; rules

1. Rules. The commissioner shall adopt rules, which are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A, necessary for the proper oversight of explosives and the enforcement of the provisions of this chapter.