

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

A transient seller must pay to the department the following original and renewal license fees at the time an application is made for registration or renewal: established by the department by rule in an amount not to exceed \$300 annually. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

1. ~~Transient seller registration.~~ For an original transient seller of home repair services registration, \$100; and

2. ~~Renewal.~~ For a renewal application, \$75.

The aggregate of fees provided for by this section is appropriated for the use of the department. Any balance of funds may not lapse but must be carried forward to be expended for the same purposes in the following fiscal year.

Sec. 26. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

2000-01

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Licensing and Enforcement

Table with 2 columns: Description, Amount. Row 1: All Other, \$13,500. Row 2: Provides for the allocation of funds for the costs associated with rulemaking.

See title page for effective date.

CHAPTER 686

H.P. 1730 - L.D. 2436

An Act to Permit the Attorney General, a Deputy Attorney General or a District Attorney to Request Records of Internet Service Providers and Mobile Telecommunications Service Providers

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

Sec. 1. 5 MRSA §200-B, as amended by PL 1999, c. 579, §1, is further amended to read:

§200-B. Authority of Attorney General to request utility records

1. ~~Public utility services.~~ As used in this section, the term "public utility services" means services furnished by a public utility as defined in Title 35-A, section 102, subsections 7, 8, 14, 15, 19, 20-B and 22 whether or not subject to the jurisdiction of the Public Utilities Commission.

1-A. Definitions. As used in this section, the following terms have the following meanings.

A. "Internet service provider" means an entity that provides electronic communication or remote computation services, whether or not subject to the jurisdiction of the Public Utilities Commission.

B. "Utility services" means:

(1) Services furnished by a public utility, as defined in Title 35-A, section 102, subsections 7, 8, 14, 15, 19, 20-B and 22, whether or not subject to the jurisdiction of the Public Utilities Commission;

(2) Services provided by an Internet service provider; and

(3) Mobile telecommunications services, as defined in Title 35-A, section 102, subsection 9-A, whether or not the provider of the mobile telecommunications services is subject to the jurisdiction of the Public Utilities Commission.

2. Demand for records of utility services; cause. The Attorney General, a deputy attorney general or a district attorney may demand, in writing, all the records or information in the possession of the public utility or Internet service provider relating to the furnishing of public utility services or Internet services to a person or a location if the attorney has reasonable grounds to believe that the services furnished to a person or to a location by a public utility or Internet service provider are being or may be used for, or to further, an unlawful purpose. Upon a showing of cause to any Justice of the Superior Court or Judge of the District Court, the justice or judge shall approve the demand. Showing of cause must be by the affidavit of any law enforcement officer.

Records of utility services, as applied to Internet service providers, are limited to the following information and records in the possession of the Internet service provider: the subscriber's or customer's name, address, local and long-distance telephone billing records, telephone number or other subscriber number or identity and length of time the

services have been provided to the subscriber or customer.

Upon a showing of cause to any Justice of the Superior Court or Judge of the District Court, the justice or judge shall approve the demand. Showing of cause must be by the affidavit of any law enforcement officer.

3. Release of other information. An order approving a demand for ~~utility~~ records of utility services may include a provision prohibiting the ~~public utility provider of utility services~~ from releasing the fact of the request or that the records or information will be or have been supplied. The ~~public utility provider of utility services~~ may not release the fact or facts without obtaining a court order to that effect.

4. Production of records of utility services. Upon receipt of a demand, approved by a justice or judge, the ~~public utility provider of utility services~~ shall immediately deliver to the attorney, or the attorney's designee or agent, making the request all the records or information demanded. A ~~public utility provider of utility services~~ or employee of that ~~public utility provider of utility services~~ is not criminally or civilly liable for furnishing any records or information in compliance with the order approving the demand.

5. Orders permitted under federal law. The Attorney General, a deputy attorney general or a district attorney may, upon an affidavit of an investigating law enforcement officer, make application to any Justice of the Superior Court or any Judge of the District Court for any order permitted pursuant to 18 United States Code, Section 3122(a)(2).

6. Notification; extension. Within 60 days of approval of the demand under subsection 2, the Attorney General, deputy attorney general or district attorney making the demand shall notify the person receiving the services that the demand for utility service records has been made and approved. Upon showing of reasonable cause by the Attorney General, deputy attorney general or district attorney, the court may extend the period within which notice must be given for a definite period of time.

See title page for effective date.

CHAPTER 687

S.P. 996 - L.D. 2558

An Act to Improve the Regulation of Occupations and Professions

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

PART A

Sec. A-1. 3 MRSA §959, sub-§1, ¶C, as amended by PL 1999, c. 127, Pt. C, §§2 to 8, is further amended to read:

C. The joint standing committee of the Legislature having jurisdiction over business and economic development matters shall use the following list as a guideline for scheduling reviews:

- (1) Maine Development Foundation in 1997;
- ~~(2) Board of Examiners in Physical Therapy in 1997;~~
- ~~(3) Board of Examiners on Speech Pathology and Audiology in 1997;~~
- ~~(4) Board of Hearing Aid Dealers and Fitters in 1997;~~
- (5) Department of Professional and Financial Regulation, in conjunction with the joint standing committee of the Legislature having jurisdiction over banking and insurance matters, in 2007;
- ~~(6) Maine Athletic Commission in 1997;~~
- ~~(7) Manufactured Housing Board in 1997;~~
- ~~(8) Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers in 1997;~~
- ~~(9) Oil and Solid Fuel Board in 1997;~~
- ~~(10) Plumbers' Examining Board in 1997;~~
- ~~(11) Real Estate Commission in 1997;~~
- ~~(12) Board of Barbering and Cosmetology in 1997;~~
- ~~(13) State Board of Certification for Geologists and Soil Scientists in 1997;~~
- ~~(15) State Board of Examiners of Psychologists in 1997;~~
- ~~(16) State Board of Funeral Service in 1997;~~
- ~~(17) State Board of Licensure for Professional Foresters in 1997;~~
- ~~(18) State Board of Alcohol and Drug Counselors in 1997;~~