

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

2. Reservation fee. A surecharge fee must be collected for all reservations and deposited in the General Fund, except that a portion of the reservation fee as determined by the commissioner may be paid directly to a provider of Internet reservation services. If reservations made under this section are subsequently cancelled, the bureau must retain a cancellation fee and deposit it into the General Fund.

See title page for effective date.

CHAPTER 25

H.P. 250 - L.D. 286

**An Act to Clarify the Duties of the
Maine Developmental Disabilities
Council**

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

Sec. 1. 34-B MRSA §1211, sub-§3, as enacted by PL 1983, c. 459, §7, is amended to read:

3. Duties. The council shall consult with and coordinate with the commissioner in carrying out the purposes of the program established under the federal act specified in subsection 2. If the position of the director of the council becomes vacant the council shall recruit and hire a director. The council shall supervise and annually evaluate the director.

See title page for effective date.

CHAPTER 26

S.P. 139 - L.D. 462

**An Act to Clarify the Substance
Abuse Law**

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

Sec. 1. 5 MRSA §20052, as enacted by PL 1995, c. 499, §1 and affected by §5, is repealed.

Sec. 2. 5 MRSA §20053, as amended by PL 1997, c. 245, §19, is repealed.

See title page for effective date.

CHAPTER 27

S.P. 89 - L.D. 316

**An Act to Authorize Representation
by the Public Advocate of Consumer
Interests on Regional Decision-
making Bodies**

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

Whereas, decisions that will affect ratepayers in Maine are being made at the regional level with regard to the electric wholesale market and it is vitally important that the consumers, through the Public Advocate, have a voice in that decision-making process; 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. 35-A MRSA §1702, sub-§8 is enacted to read:

8. Represent interests of retail customers on regional bodies. The Public Advocate, when the Public Advocate determines it necessary, may serve as a voting member of any regional body whose decisions directly affect the prices or quality of utility services in the State, as long as that service is limited to a seat that is designated for the representation of consumer interests. Service as a voting member of a regional body in accordance with this subsection does not create or constitute a conflict of interest pursuant to section 1709.

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

Effective April 6, 2001.

CHAPTER 28

H.P. 205 - L.D. 240

**An Act to Permit an Unspent Balance
in the Public Advocate Regulatory
Fund to be Carried Forward in Full
for Fiscal Years 2000-01 and 2001-02**

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

Sec. 1. 35-A MRSA §116, sub-§8, ¶C-1, as amended by PL 1997, c. 643, Pt. J, §1 and c. 719, §1, is further amended to read:

C-1. Except as specified in this subsection, funds that are not expended at the end of a fiscal year do not lapse but must be carried forward to be expended for the purposes specified in this section in succeeding fiscal years; but, with the exception of funds carried forward from fiscal year 1996-97 to fiscal year 1997-98 and with the exception of funds carried forward at the end of fiscal year 2000-01 and fiscal year 2001-02 for use in the following fiscal year, unexpended funds in excess of 10% of the total annual assessment authorized in this section must, at the option of the Public Advocate, either be presented to the Legislature in accordance with paragraph A for reallocation and expenditure or used to reduce the utility assessment in the following fiscal year. In the case of funds carried forward from fiscal year 1996-97 to fiscal year 1997-98 and funds carried forward from fiscal year 2000-01 and fiscal year 2001-02 for use in the following fiscal year, 100% of these funds may be expended for the purposes specified in this section.

See title page for effective date.

CHAPTER 29

S.P. 87 - L.D. 314

An Act to Require Notice to Telephone Customers in Maine Prior to Price Increases

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

Sec. 1. 35-A MRSA §7307 is enacted to read:

§7307. Notice of intrastate toll rate changes

1. Notice required. A telephone utility offering intrastate toll service may not increase the price for such service or change its terms or conditions for such service in a manner that results in an increase in costs for any customer without first:

A. Filing a tariff revision with the commission identifying the new price or the change in the terms or conditions of service; and

B. Providing prior adequate written notice to each retail subscriber receiving intrastate toll

service from the utility identifying the change in terms or conditions or price increase and the effective date of the change or increase. The notice, which may take the form of a bill insert, must be provided no less than 25 days prior to the effective date of the increase in price or change in terms or conditions. The commission by rule shall define what constitutes adequate written notice and shall specify whether notice by electronic means is adequate written notice.

2. Failure to notify. An increase in price or a change in the terms or conditions of service that results in an increase in costs for a customer receiving intrastate toll service from a telephone utility may not take effect until the customer has been supplied with adequate written notice in conformity with subsection 1. A customer that has not been supplied with adequate written notice under subsection 1 is not obligated to make payment for any increase in the customer's bill attributable to an increase in price or change in the terms or conditions. A telephone utility shall refund to a customer any increase in the customer's payments attributable to an increase in price or change in terms or conditions if the telephone utility fails to provide adequate written notice in accordance with subsection 1.

3. Notice of rights. A telephone utility offering intrastate toll service shall provide notice to customers of the requirements of subsection 1, paragraph B and of customer rights pursuant to subsection 2. The commission by rule shall specify the form and frequency of the notice.

4. Rules. The commission shall adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

See title page for effective date.

CHAPTER 30

H.P. 103 - L.D. 107

An Act Regarding the Enforcement of Laws in the Maine Revised Statutes, Title 12 by Passamaquoddy Wardens

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

Sec. 1. 12 MRSA §7055, as amended by PL 1989, c. 493, §7, is further amended to read:

§7055. Officials with full powers of game wardens