

# 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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2001**

**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.

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**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.

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**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**

Sheriffs, deputy sheriffs, police officers, constables, marine patrol officers, Baxter Park rangers, wardens of the Penobscot Indian Nation within the Penobscot Indian Territory, as defined by Title 30, section 6205, subsection 2, wardens of the Passamaquoddy Tribe within the Passamaquoddy Indian Territory, as defined by Title 30, section 6205, subsection 1, and law enforcement personnel employed by the United States Department of the Interior shall have the powers of game wardens.

The commissioner shall grant the powers of game wardens outside the Penobscot Indian Territory to wardens of the Penobscot Indian Nation and game wardens outside the Passamaquoddy Indian Territory to wardens of the Passamaquoddy Tribe who have qualified under the written code prepared by the commissioner and approved by the Commissioner of Personnel Director of Human Resources within the Department of Administrative and Financial Services, as specified in section 7051. The commissioner may revoke these powers for good cause shown and shall provide a subsequent hearing on the revocation under Title 5, chapter 375, subchapter IV, if requested.

See title page for effective date.

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**CHAPTER 31**

**H.P. 237 - L.D. 274**

**An Act Concerning the Requirements for Exits for Boardinghouses and Lodging Houses**

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

**Sec. 1. 25 MRSA §2453, first ¶,** as amended by PL 1999, c. 384, §19, is further amended to read:

Each story above the first story of a building used as a schoolhouse, orphan asylum, hospital for the mentally ill, reformatory, opera house, hall for public assemblies, hotel, ~~boardinghouse or lodginghouse accommodating more than 6 persons,~~ or tenement house occupied by more than 2 families, or store in which more than 10 persons are employed above the first story, must be provided with more than one way of egress, by stairways on the inside or fire escapes on the outside of such building. Such stairways and fire escapes must be so constructed, in such a number, or such size and in such location as to give reasonably safe, adequate and convenient means of exit, in view of the number of persons who may need to use such stairway or fire escape, must at all times be kept free

from obstruction and must be accessible from each room in each story above the first story.

See title page for effective date.

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**CHAPTER 32**

**S.P. 99 - L.D. 325**

**An Act to Enhance Collectibility of the Penalty for Failure to File the Municipal Valuation Tax Return**

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

**Sec. 1. 36 MRSA §383, sub-§4,** as enacted by PL 1999, c. 487, §1, is repealed and the following enacted in its place:

**4. Penalty for late filing.** If the complete return and lists required by this section are not filed on time, the State Tax Assessor shall impose a penalty to be deducted from state reimbursement due to the municipality or primary assessing area pursuant to the following programs in the following order of priority:

- A. Maine Tree Growth Tax Law, section 578;
- B. Veterans' property tax exemptions, section 653; and
- C. Maine resident homestead property tax exemption, section 685.

For a municipality or primary assessing area with a population of 2,000 or less, the penalty is \$50 for the first late day plus \$10 for each late day thereafter. For a municipality or primary assessing area with a population of more than 2,000, the penalty is \$100 for the first late day plus \$20 for each late day thereafter.

See title page for effective date.

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**CHAPTER 33**

**H.P. 458 - L.D. 579**

**An Act to Allow Sheriffs to Use Modern Record-keeping Technologies in the Maintenance of Jail Records**

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

**Sec. 1. 30-A MRSA §1505,** as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read: