

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

4. Duty to submit to State Bureau of Identification. It is the duty of the law enforcement agency taking the fingerprints as required by subsection 3, paragraphs A, B and G to transmit immediately to the State Bureau of Identification the criminal fingerprint record. Fingerprints taken pursuant to subsection 1, paragraph C, D, E or F or pursuant to subsection 5 may not be submitted to the State Bureau of Identification unless an express request is made by the commanding officer of the State Bureau of Identification. Fingerprints taken pursuant to subsection 1, paragraph G must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Department of Education. The bureau may not use the fingerprints for any purpose other than that provided for under Title 20-A, section 6103. The bureau shall retain the fingerprints, except as provided under Title 20-A, section 6103, subsection 9. Fingerprints taken pursuant to subsection 1, paragraph I must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the court.

Sec. 9. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	2001-02	2002-03
PUBLIC SAFETY, DEPARTMENT OF		
State Police		
All Other	\$21,600	\$28,800
Allocates funds to conduct background checks for prospective adoptive parents.		

See title page for effective date.

CHAPTER 53

H.P. 312 - L.D. 390

An Act to Require Telephone Utility Participation in Enhanced 9-1-1

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

Sec. 1. 25 MRSA §2921, sub-§§10 and 11 are enacted to read:

10. Local exchange carrier. "Local exchange carrier" means any person that is engaged in:

A. Service within a telephone exchange, or within a connected system of telephone exchanges within the same exchange area operated to furnish to subscribers intercommunicating service of the character ordinarily furnished by a single exchange, that is covered by the exchange service charge;

B. Service comparable to that described in paragraph A provided through a system or combination of switches or transmission equipment or other facilities by which a subscriber can originate and terminate a telecommunications service;
or

C. The offering of access to telephone exchange services or facilities for the purpose of the origination or termination of telephone toll services.

11. Public switched telephone network. "Public switched telephone network" means the network of equipment, lines and controls assembled to establish communication paths between calling and called parties in North America.

Sec. 2. 25 MRSA §2933 is enacted to read:

§2933. Local exchange carrier participation

1. Implementation of E-9-1-1 by local exchange carrier. Each local exchange carrier offering service over the public switched network, in accordance with rules and procedures adopted by the bureau, shall implement the E-9-1-1 system and provide the universal emergency telephone number 9-1-1 for use by the public in seeking emergency services assistance through the E-9-1-1 system.

2. Required information for E-9-1-1 database. Each local exchange carrier shall provide to the bureau or its designee the automatic number identification, automatic location identification and any other information required to establish and maintain the E-9-1-1 database and service in accordance with the rules adopted by the bureau.

3. Coordination of E-9-1-1 service; coordinator. Each local exchange carrier and cellular or wireless telecommunications service provider within the State shall coordinate all implementation, operation and maintenance directly relating to E-9-1-1 through the bureau and shall designate a primary contact person, who may delegate the authority to one or more other persons, to coordinate with and provide all relevant information to the bureau to carry out the purposes of the chapter.

4. Penalties. On petition by the bureau, the Public Utilities Commission, in an adjudicatory proceeding, may impose the following penalties for a violation by a local exchange carrier of subsection 2 or

3 or any rules adopted by the bureau implementing subsection 2 or 3:

A. An administrative penalty of up to \$1,000 for each day of the violation; and

B. In extraordinary cases, as determined by the Public Utilities Commission, revocation of the commission's authorization of the local exchange carrier's authority to provide local exchange service in this State.

Penalties collected by the commission under this subsection must be deposited in the Public Utilities Commission Reimbursement Fund under Title 35-A, section 117.

Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

Sec. 3. Rules review. The Department of Public Safety, Emergency Services Communication Bureau shall submit to the Joint Standing Committee on Utilities and Energy any rules it proposes to adopt pursuant to the Maine Revised Statutes, Title 25, section 2933 prior to holding any hearing on those proposed rules and shall notify the committee of all hearing dates on those proposed rules.

See title page for effective date.

CHAPTER 54

S.P. 202 - L.D. 767

An Act to Facilitate Passenger Rail Transportation by Limiting Liability

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

Sec. 1. 23 MRSA §8012 is enacted to read:

§8012. Passenger rail liability limitation

The liability of passenger rail transportation service providers is limited to a maximum of \$75,000,000 in the aggregate for any claims and awards, compensatory or punitive, for property damage, personal injury, bodily injury or death arising from a rail incident or accident occurring in this State and involving a passenger train, but only if those providers have first secured and maintained liability insurance having policy limits of not less than \$75,000,000 per occurrence in the aggregate. If a passenger rail transportation service provider fails to secure and maintain liability insurance having policy limits of not less than \$75,000,000 per occurrence in the aggregate, then the liability limitation of this

section does not apply to that provider. The \$75,000,000 aggregate limit is the maximum amount for all claims and awards against all potentially responsible passenger rail transportation service providers involved in a rail incident or accident collectively. A passenger rail transportation service provider may enter into contracts that allocate financial responsibility for claims or awards. For the purposes of this section, a "passenger rail transportation service provider" includes for-profit and non-profit corporations and legal entities that own, lease, operate or manage passenger trains or passenger rail service, the Northern New England Passenger Rail Authority, railroad companies and other legal entities contracting with the Northern New England Passenger Rail Authority for the provision of passenger rail service, railroad companies that own, lease, provide track rights or maintain rail lines over which passenger trains pass and operators of passenger train services, but does not include Amtrak or its successor organization. This section does not affect immunities, limitation on damages, limitation of actions, limitation of liability or other protections provided to the State, as defined by Title 14, section 8102, subsection 4, under the Maine Tort Claims Act.

See title page for effective date.

CHAPTER 55

S.P. 167 - L.D. 586

An Act to Clarify the Testing Process for the Licensing of Guides

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

Whereas, the skills and expertise provided by licensed guides to their clientele ensure a high level of safety for the individual as well as the general public; and

Whereas, the Department of Inland Fisheries and Wildlife staff are currently being diverted from other pressing duties to administer oral exams to guides; 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: