

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2004 to March 30, 2005**

**FIRST SPECIAL SESSION**  
**April 4, 2005 to June 18, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 17, 2005**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2005**

municipalities with accounting records after an audit has been completed and delivered to the superintendent. An agreement under which the union committee performs the functions of fiscal agent may be renewed for a period not to exceed 3 years. Each renewal may be approved only in accordance with the procedures described in this section.

See title page for effective date.

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## CHAPTER 131

### H.P. 754 - L.D. 1101

#### An Act To Designate Pay Phone Locations in the Public Interest

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

**Sec. 1.** 35-A MRSA §7104, sub-§6 is enacted to read:

**6. Public-interest pay phone support.** The commission may require contributions to a state universal service fund established pursuant to this section in an amount sufficient to collect up to \$50,000 each year to fund public-interest pay phones pursuant to section 7508. The commission shall maintain an accounting of all funds contributed to the state universal service fund pursuant to this subsection and all funds expended pursuant to section 7508. Funds contributed to the state universal service fund pursuant to this subsection may be expended only for the purposes of section 7508.

**Sec. 2.** 35-A MRSA §7508 is enacted to read:

#### **§7508. Public-interest pay phones**

**1. Public-interest pay phone locations.** In order to ensure access to pay phones in a manner that fulfills the requirements of the public health, safety and welfare, the commission shall establish by rule a process for reviewing and approving requests for public-interest pay phones in accordance with this section.

A. The commission shall establish procedures by which citizens may petition to have a public-interest pay phone at a particular location.

B. Consistent with the following general criteria, the commission shall establish procedures and standards for responding to a petition for a public-interest pay phone.

(1) A proposed public-interest pay phone must fulfill a public welfare, health or safety policy objective.

(2) A pay phone would not otherwise remain or be placed at a proposed public-interest pay phone location by the operation of the competitive marketplace.

C. A public-interest pay phone may not be removed from service unless its owner provides written notice to the commission 30 days prior to removal, except that the commission, pursuant to rules adopted under this section, may grant a waiver of this requirement.

**2. Recovery of costs.** The costs associated with installing and maintaining public-interest pay phones pursuant to this section must be paid from funds available pursuant to section 7104, subsection 6.

**3. Rules.** The commission shall adopt rules that are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A to implement this section.

**4. Report.** Annually prior to February 1st, the commission shall provide a report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters detailing activities undertaken pursuant to this section. The report must include information on the number of petitions for public-interest pay phones the commission has received, the number of such pay phones the commission has approved and the amount of available funds expended.

**Sec. 3. Authority to report out legislation.** The joint standing committee of the Legislature having jurisdiction over utilities and energy matters may report out legislation to the First Regular Session of the 123rd Legislature concerning public-interest pay phones.

See title page for effective date.

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## CHAPTER 132

### H.P. 418 - L.D. 563

#### An Act To Assist Persons with Pulmonary Disabilities

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

**Sec. 1.** 35-A MRSA §3214, sub-§5 is enacted to read:

**5. Ensuring equitable treatment for persons with certain disabilities.** If the commission establishes or approves one or more low-income assistance programs under subsection 2 or 3 that result in similarly situated persons receiving different levels of assistance depending solely upon which transmission