

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.

Penmor Lithographers
Lewiston, Maine
2005

(2) One fourth must be deposited to the fund to supplement harness racing purses established under section 298;

(3) One fourth must be deposited to the Fund to Encourage Racing at Maine's Commercial Tracks, established under section 299; and

(4) One fourth must be deposited to the Fund to Stabilize Off-track Betting Facilities, established under section 300.

See title page for effective date.

CHAPTER 305

H.P. 887 - L.D. 1290

An Act To Improve Funding for Telecommunications Relay Services

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

Sec. 1. 35-A MRSA §7104, sub-§5, as enacted by PL 2003, c. 553, Pt. A, §4, is amended to read:

5. Funds for Communication Equipment Fund. The commission shall annually transfer \$85,000 from a state universal service fund established pursuant to this section to the Communications Equipment Fund established under Title 26, section 1419-A. ~~In addition to its authority under subsection 3, the commission may require contributions to the state universal service fund in an amount sufficient to collect the \$85,000.~~

If the Department of Labor, Bureau of Rehabilitation Services does not receive from federal or other sources funds in addition to the \$85,000 sufficient to carry out the purposes of Title 26, section 1419-A, the commission, at the request of the Department of Labor, Bureau of Rehabilitation Services, may transfer from the state universal service fund to the Communications Equipment Fund an additional amounts as long as: \$37,500.

~~A. The total transfer in any year does not exceed \$122,500; and~~

~~B. Any amount in any year in excess of \$85,000 is drawn from funds otherwise available in the universal service fund. The commission is not authorized to require contributions to the state universal service fund for the purposes of this subsection in order to collect any amount in excess of \$85,000 in any year.~~

The commission may require contributions to the state universal service fund in an amount necessary to collect amounts transferred pursuant to this subsection.

Sec. 2. 35-A MRSA §7104, sub-§7 is enacted to read:

7. Telecommunications relay services support. In order to ensure the affordability of telecommunications relay services throughout the State, the commission shall establish funding support for telecommunications relay services, including related outreach programs, within the state universal service fund established pursuant to subsection 3.

A. In establishing the total level of support for the state universal service fund, the commission shall include funding levels for telecommunications relay services as recommended by the Telecommunications Relay Services Advisory Council, as established in section 8704, unless the commission determines, upon its own motion or upon the request of a provider of intrastate telecommunications services, that the recommended funding levels may be unreasonable. If the commission determines that the funding levels may be unreasonable, the commission shall open a proceeding to determine a reasonable funding level for telecommunications relay services, including related outreach programs. Upon the conclusion of the proceeding, the commission shall establish funding support for telecommunications relay services, including related outreach programs, that it has found to be reasonable within the state universal service fund. The commission shall require contributions to the state universal service fund on a quarterly basis to meet the established funding support levels.

B. In determining reasonable funding levels for telecommunications relay services, including related outreach programs, the commission may consider whether the recommended funding is for telecommunications relay services, including related outreach programs, that are:

- (1) Federally required services;
- (2) Services provided in other states with a similar deaf, hard-of-hearing and speech impaired population as this State; or
- (3) Services that are designed to maximize the effectiveness of telecommunications relay services through the application of new technologies.

Sec. 3. 35-A MRSA §8703, sub-§7, as enacted by PL 1989, c. 851, §7, is amended to read:

7. Recovery of expenses and costs. The costs for telecommunications relay services must be recovered ~~in the same manner as any other costs for the provision of services by local exchange carriers. Nothing in this section limits the ability of the commission to determine the reasonableness of the costs for providing these services through the state universal service fund pursuant to section 7104, subsection 7.~~

See title page for effective date.

CHAPTER 306

H.P. 557 - L.D. 780

An Act To Allow a Landlord To Discover Whether Sewer and Water Bills Have Been Paid

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

Sec. 1. 30-A MRSA §3406-A is enacted to read:

§3406-A. Landlord access to tenant bill payment information

If a tenant is billed for municipal sewer service provided to property rented by the tenant and non-payment for the service may result in a lien against the property, the municipality shall provide to the landlord or the landlord's agent, on request of the landlord or the landlord's agent, the current status of the tenant's sewer service account, including any amounts due or overdue.

Sec. 2. 35-A MRSA §6111-B is enacted to read:

§6111-B. Landlord access to tenant bill payment information

If a tenant is billed for water utility service provided to property rented by the tenant and nonpayment for the service may result in a lien against the property, the utility shall provide to the landlord or the landlord's agent, on request of the landlord or the landlord's agent, the current status of the tenant's account, including any amounts due or overdue.

Sec. 3. 38 MRSA §1207-A is enacted to read:

§1207-A. Landlord access to tenant bill payment information

If a tenant is billed for sewer service provided to property rented by the tenant and nonpayment for the service may result in a lien against the property, the sanitary district shall provide to the landlord or the

landlord's agent, on request of the landlord or the landlord's agent, the current status of the tenant's account, including any amounts due or overdue.

Sec. 4. 38 MRSA §1252, sub-§11 is enacted to read:

11. Landlord access to tenant bill payment information. If a tenant is billed for sewer service provided to property rented by the tenant and non-payment for the service may result in a lien against the property, the sewer district shall provide to the landlord or the landlord's agent, on request of the landlord or the landlord's agent, the current status of the tenant's account, including any amounts due or overdue.

See title page for effective date.

CHAPTER 307

H.P. 419 - L.D. 564

An Act To Amend the Laws Governing the Student Code of Conduct

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 20-A MRSA §1001, sub-§15, ¶F, as amended by PL 2001, c. 644, §1, is further amended to read:

F. Establish policies and procedures concerning the removal of disruptive or violent students or students threatening death or bodily harm to others from a classroom or a school bus, as well as student disciplinary and placement decisions, when appropriate; ~~and~~

Sec. 2. 20-A MRSA §1001, sub-§15, ¶G, as enacted by PL 1999, c. 351, §2, is amended to read:

G. Establish guidelines and criteria concerning the appropriate circumstances when the superintendent or the superintendent's designee may provide information to the local police or other appropriate law enforcement authorities regarding an offense that involves violence committed