

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 6, 2006 to June 21, 2007**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 20, 2007**

**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**  
**2007**

erty of a community college that adopts a policy imposing such a prohibition.

**Sec. 2. 20-A MRSA §12706, sub-§11**, as amended by PL 1991, c. 376, §36, is further amended to read:

**11. Personnel policies.** To develop and adopt personnel policies and procedures for the system. The board of trustees, subject to applicable collective bargaining agreements, shall determine the qualifications, duties and compensation of its employees and shall allocate and transfer personnel within the system as necessary to fulfill the purposes of this chapter. The board of trustees shall appoint the president of the system and the presidents of the colleges. The provisions of the Civil Service Law, as defined by Title 5, section 7039, do not apply to the system, except that the same protections for personnel records provided in Title 5, section 7070 to state employees apply to the personnel records of system employees;

**Sec. 3. 20-A MRSA §12706, sub-§13**, as amended by PL 1995, c. 96, §1, is further amended to read:

**13. Property management.** To acquire by purchase, gift, lease or rent any property, lands, buildings, structures, facilities or equipment necessary to fulfill the purposes of this chapter. The board of trustees shall manage, rent, lease, sell and dispose of property, including lands, buildings, structures, equipment and facilities, and license dormitory rooms for occupancy by students. The purchase and installation of faucets, shower heads, toilets and urinals is subject to Title 5, section 1762-A. If the board of trustees proposes to sell or permanently transfer any interest in real estate, the transaction must be approved by the Legislature before the interest is transferred. Any revenues derived from these uses are to be credited to a separate fund to be used for the purposes of this chapter. Notwithstanding any other provision of law, the board of trustees may grant or otherwise transfer utility easements without legislative approval;

**Sec. 4. 20-A MRSA §12712, sub-§7, ¶A**, as amended by PL 1991, c. 376, §41, is further amended to read:

A. Each president may make rules for the control, movement and parking of vehicles within the limits of the property owned by or under the control of the college. These rules may include special provisions for employees of the system and college students. A president's rule has the same force and effect as a municipal ordinance. District courts may impose governing penalties and fines, not to exceed \$10 and a college may impose appropriate discipline, for each violation of these rules.

**Sec. 5. 27 MRSA §121**, as amended by PL 1997, c. 146, §1 and as affected by §2, is further amended to read:

#### **§121. Confidentiality of library records**

Records maintained by any public municipal library, the Maine State Library, the Law and Legislative Reference Library and libraries of the University of Maine System, Maine Community College System and the Maine Maritime Academy that contain information relating to the identity of a library patron relative to the patron's use of books or other materials at the library are confidential. Those records may only be released with the express written permission of the patron involved or as the result of a court order.

See title page for effective date.

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## **CHAPTER 68**

### **H.P. 425 - L.D. 547**

#### **An Act To Create Fairness in E-9-1-1 Funding**

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

**Sec. 1. 25 MRSA §2921, sub-§2-B** is enacted to read:

**2-B. Cellular or wireless telecommunications service.** "Cellular or wireless telecommunications service" means commercial mobile service as defined in 47 United States Code, Section 332(d).

**Sec. 2. 25 MRSA §2921, sub-§12** is enacted to read:

**12. Interconnected voice over Internet protocol service.** "Interconnected voice over Internet protocol service" means a service that enables real-time, 2-way voice communications; requires a broadband connection from the user's location; and permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.

**Sec. 3. 25 MRSA §2921, sub-§13** is enacted to read:

**13. Prepaid wireless telephone service.** "Prepaid wireless telephone service" means a cellular or wireless telecommunications service that the customer pays for prior to activation of the service.

**Sec. 4. 25 MRSA §2921, sub-§14** is enacted to read:

**14. Prepaid wireless telephone service provider.** "Prepaid wireless telephone service provider" means a cellular or wireless telecommunications ser-

vice provider that sells prepaid wireless telephone service at wholesale or retail.

**Sec. 5. 25 MRSA §2927, sub-§1-B**, as amended by PL 2003, c. 673, Pt. V, §4 and affected by §29, is further amended to read:

**1-B. Statewide E-9-1-1 surcharge.** The activities authorized under this chapter are funded through a special statewide E-9-1-1 surcharge levied on each residential and business telephone exchange line, including private branch exchange lines and Centrex lines, cellular or wireless telecommunications service subscribers customers, including prepaid wireless telephone service customers, interconnected voice over Internet protocol service customers and semipublic coin and public access lines. The statewide E-9-1-1 surcharge may not be imposed on more than 25 lines or numbers per customer billing account, except that this limitation does not apply to prepaid wireless telephone services. In the case of cellular or wireless telecommunications service subscribers customers, the place of residence of those subscribers customers must be determined according to the sourcing rules for mobile telecommunications services as set forth in Title 36, section 2556. The statewide E-9-1-1 surcharge is 50¢ per month per line or number or, in the case of prepaid wireless telephone services, 50¢ per month or 30-day increment of service per customer. The statewide E-9-1-1 surcharge must be billed collected from the customer on a monthly basis by each local exchange telephone utility or, cellular or wireless telecommunications service provider and interconnected voice over Internet protocol service provider and be shown separately as a statewide E-9-1-1 surcharge on the customer's bill, except that in the case of prepaid wireless telephone service, the collection of the statewide E-9-1-1 surcharge is governed by subsection 1-C.

**Sec. 6. 25 MRSA §2927, sub-§1-C** is enacted to read:

**1-C. Statewide E-9-1-1 surcharge; prepaid wireless service.** The statewide E-9-1-1 surcharge, referred to in this subsection as "the surcharge," must be collected from prepaid wireless telephone service customers by the prepaid wireless telephone service provider. The prepaid wireless telephone service provider is authorized to:

A. Collect the surcharge on a monthly basis from each customer whose account balance is equal to or greater than the amount of the surcharge;

B. Collect the surcharge, or contract with a retail seller of prepaid wireless telephone service to collect the surcharge, from the customer at the point-of-sale for each 30-day increment of prepaid wireless telephone service that is purchased at the time of sale; or

C. Collect the surcharge indirectly from customers by calculating the total surcharge owed by its

customers and remitting that amount to the Treasurer of State in accordance with subsection 2-B. A prepaid wireless telephone service provider that elects the collection method specified in this paragraph must calculate the total surcharge owed by:

(1) Dividing its total intrastate prepaid wireless revenue for the month by the national average revenue per user for prepaid wireless service, as defined by the Public Utilities Commission by rule; and

(2) Multiplying the result obtained under subparagraph (1) by the amount of the surcharge.

**Sec. 7. 25 MRSA §2927, sub-§2-B**, as amended by PL 2001, c. 439, Pt. EEEE, §7, is further amended to read:

**2-B. Surcharge remittance.** Each local exchange telephone utility and, cellular or wireless telecommunications service provider, including a prepaid wireless telephone service provider, and interconnected voice over Internet protocol service provider shall remit the statewide E-9-1-1 surcharge revenues collected from its customers pursuant to this section on a monthly basis and within one month of the month collected to the Treasurer of State for deposit in a separate account known as the E-9-1-1 fund. Service providers Each telephone utility or service provider required to remit statewide E-9-1-1 surcharge revenues shall provide, on a form approved by the bureau, supporting data, including but not limited to the following:

- A. The calculation used to arrive at the surcharge remittance amount;
- B. The calculation used to arrive at the uncollectible amount of surcharge;
- C. The total surcharge;
- D. The month and year for which surcharge is remitted;
- E. The legal name of company and telephone number and, if applicable, the parent company name, address and telephone number; and
- F. The preparer's name and telephone number.

**Sec. 8. 25 MRSA §2927, sub-§6**, as amended by PL 1997, c. 409, §1, is further amended to read:

**6. Violations.** A telephone utility or, cellular or wireless telecommunications service provider, including a prepaid wireless telephone service provider, or an interconnected voice over Internet protocol service provider subject to this section that intentionally and knowingly fails to remit the statewide E-9-1-1 surcharge revenues collected under this section commits a civil violation for which a forfeiture of not more

than \$500 may be adjudged for each day that payment is not made after the due date.

**Sec. 9. 25 MRSA §2927, sub-§8** is enacted to read:

**8. Rules.** The Public Utilities Commission shall adopt rules necessary to implement the provisions of this section. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 10. 25 MRSA §2930, sub-§2**, as repealed and replaced by PL 1999, c. 209, §1, is amended to read:

**2. Telecommunications providers.** A telecommunications provider assisting in the implementation and operation of the statewide E-9-1-1 system, including, but not limited to, the development and maintenance of the network, the development and maintenance of any databases and the processing of calls, is subject to tort liability:

A. For property damages, bodily injury or death resulting from any defect in the E-9-1-1 system or inadequacy in the provision of E-9-1-1 service caused by the telecommunications provider's negligent acts or omissions in developing, establishing, implementing, maintaining or operating the E-9-1-1 system, up to a maximum amount for any and all claims arising out of a single occurrence not to exceed \$300,000 or the dollar amount that appears in Title 14, section 8105, subsection 1, whichever is greater; and

B. For property damages, bodily injury or death resulting from any defect in the E-9-1-1 system or inadequacy in the provision of E-9-1-1 service caused by the telecommunications provider's intentional, willful or reckless acts or omissions in developing, establishing, implementing, maintaining or operating the E-9-1-1 system, without limitation on the amount.

For purposes of this subsection, the term "telecommunications provider" means a local exchange carrier, a commercial mobile ~~radio~~ service provider, as defined in 47 United States Code, Title 47, Section 332(d), or an interconnected voice over Internet protocol service provider; an employee of a local exchange carrier or commercial mobile ~~radio~~ service provider or interconnected voice over Internet protocol service provider acting within the scope of the employee's employment; or an agent of a local exchange carrier or commercial mobile ~~radio~~ service provider or interconnected voice over Internet protocol service provider acting within the scope of the agent's agency.

**Sec. 11. Report.** The Public Utilities Commission, Emergency Services Communication Bureau shall submit a report by January 15, 2009 to the joint standing committee of the Legislature having jurisdic-

tion over telecommunications matters regarding the collection of the E-9-1-1 surcharge on prepaid wireless telephone service and interconnected voice over Internet protocol service. The report must include, but is not limited to, an accounting of E-9-1-1 surcharge revenues remitted to the State since the effective date of this Act and statistics describing the use of the 3 different collection methodologies available to prepaid wireless telephone service providers under the Maine Revised Statutes, Title 25, section 2927, subsection 1-C.

See title page for effective date.

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## CHAPTER 69

S.P. 651 - L.D. 1829

### An Act To Amend the Banking Laws Regarding the Establishment of Branches by Financial Institutions with Affiliates That Engage in Commercial Activity

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

**Sec. 1. 9-B MRSA §131, sub-§6-B** is enacted to read:

**6-B. Commercial activity.** "Commercial activity" means any activity in which a bank holding company, a financial holding company, a national bank or a national bank financial subsidiary may not engage under federal law.

**Sec. 2. 9-B MRSA §331, sub-§2**, as amended by PL 1997, c. 398, Pt. E, §1, is further amended to read:

**2. Statewide branching.** Subject to the conditions and limitations contained in this chapter, a financial institution may establish a branch ~~office~~ anywhere within this State, except that a financial institution may not establish a branch within 1.5 miles of any location of an affiliate where the affiliate engages in commercial activity and may not conduct any commercial activity at any branch.

**Sec. 3. 9-B MRSA §376, sub-§3** is enacted to read:

**3. Commercial activity prohibited.** An out-of-state financial institution may not establish or maintain a branch in this State within 1.5 miles of any location of an affiliate where the affiliate engages in commercial activity.

See title page for effective date.

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