

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.

Penmor Lithographers
Lewiston, Maine
2007

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Sec. 10. 25 MRSA §2930, sub-§2, as repealed and replaced by PL 1999, c. 209, §1, is amended to read: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

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.
