

# 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**

most recent court decree granting custody of the child, that the parent who is exercising control over the child is not the person authorized to have custody under terms of the decree.

4. A law enforcement officer may arrest without a warrant any person who ~~he~~ the officer has probable cause to believe has violated or is violating this section.

~~5. Criminal restraint by parent is a Class C crime.~~

See title page for effective date.

**CHAPTER 97**

**H.P. 613 - L.D. 813**

**An Act To Provide an Energy Allowance to At-home Patients Using Ventilators**

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

**Sec. 1. 35-A MRSA §3214, sub-§5, ¶A**, as enacted by PL 2005, c. 132, §1, is amended to read:

A. The equitable-treatment program must be available to any person who:

(1) Is eligible for benefits under the transmission and distribution utility's low-income assistance program established in accordance with subsection 2; and

(2) Provides documentation from a doctor that the person for health reasons needs an oxygen pump or ventilator at least 8 hours each day.

**Sec. 2. 35-A MRSA §3214, sub-§5, ¶B**, as enacted by PL 2005, c. 132, §1, is amended to read:

B. The equitable-treatment program must be designed to ensure that the low-income assistance benefits provided under this section to persons who qualify under paragraph A mitigate, to an extent that is reasonably equivalent in each transmission and distribution utility territory, electric charges associated with the operation of an oxygen pump or ventilator. The commission may not reduce any assistance provided under any low-income assistance program established under subsection 2 in order to satisfy the requirements of this paragraph.

**Sec. 3. 35-A MRSA §3214, sub-§6** is enacted to read:

**6. Annual report.** The commission shall report by November 1st of each year to the joint standing committee of the Legislature having jurisdiction over

utilities and energy matters on low-income assistance programs established or approved under subsection 2 or 3 and any equitable-treatment program established pursuant to subsection 5. The report must, at a minimum, include:

A. For each month of the program year, the number of participants enrolled in low-income assistance programs, the number receiving oxygen pump benefits and the number receiving ventilator benefits;

B. For each month of the program year, the dollar amount of low-income assistance program benefits, the dollar amount of oxygen pump benefits and the dollar amount of ventilator benefits; and

C. An assessment of the effectiveness of the oxygen pump benefit and the ventilator benefit with regard to covering only those electric charges directly related to use of an oxygen pump or ventilator by the program participant.

**Sec. 4. Report; medical devices under equitable-treatment program.** The Public Utilities Commission shall examine medical devices that may be appropriate for inclusion in the equitable-treatment program established pursuant to the Maine Revised Statutes, Title 35-A, section 3214. For each medical device examined, the commission shall assess its electricity requirements and typical usage patterns and gather data on the number of residential electricity customers and low-income program participants currently using the device. The commission shall report its findings to the Joint Standing Committee on Utilities and Energy no later than January 15, 2008.

See title page for effective date.

**CHAPTER 98**

**H.P. 691 - L.D. 916**

**An Act To Permit the Sale of Certain Used Mercury-added Products**

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

**Sec. 1. 38 MRSA §1661-C, sub-§10** is enacted to read:

**10. Sale of used products.** Subsections 6 and 7 do not apply to the sale of used products.

See title page for effective date.