

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

sive purpose of supporting the discount program established under Title 26, section 1419-A, subsection 6.

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

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 4, 2007.

**CHAPTER 225
H.P. 907 - L.D. 1289**

**An Act To Provide Oversight
for Crematoriums**

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

Sec. 1. 32 MRSA §1405, as amended by PL 1985, c. 611, §§11 and 12 and PL 1997, c. 210, §40 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

§1405. Cremation

Any A person, firm or corporation within the State, with the approval of after obtaining a license from and paying a license fee to the Department of Health and Human Services may establish and maintain suitable buildings and appliances for the cremation of bodies of the dead and, subject to the regulations rules of the department, may cremate such bodies and dispose of the ashes of the same. The department shall adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

The body of a deceased person ~~shall~~ may not be cremated within 48 hours after ~~his decease~~ death unless ~~he the person~~ the person died of a contagious or infectious disease, and in no event ~~shall~~ may the body of a deceased person be cremated, buried at sea, used by medical science or removed from the State until the person, firm or corporation in charge of the disposition has received a certificate from a duly appointed medical examiner that ~~he the medical examiner~~ the medical examiner has made personal inquiry into the cause and manner of death and is satisfied that ~~no~~ no further examination or judicial inquiry concerning the ~~same~~ cause and manner of death is not necessary. This certificate, a certified copy of the death certificate and a burial transit permit when presented by the authorized person as defined in Title 22, section 2846, ~~shall be~~ is sufficient authority for cremation, burial at sea, use by medical science or removal from the State, and the person, firm or corporation in charge of the disposition ~~shall~~ may not refuse

to cremate or otherwise dispose of the body solely because these documents are presented by such an authorized person. The certificate ~~shall~~ must be retained by the person, firm or corporation in charge of the cremation or disposition for a period of 15 years. For the certificate, the medical examiner ~~shall~~ must receive a fee of \$15 payable by the person requesting ~~same~~ the certificate.

~~No human~~ Human remains ~~shall~~ may not be removed, transported or shipped to ~~any~~ a crematory unless encased in a casket or other suitable container.

See title page for effective date.

**CHAPTER 226
H.P. 975 - L.D. 1383**

**An Act To Enhance
Availability of Emergency
Telephone Services**

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

Sec. 1. 25 MRSA §2921, sub-§5-A is enacted to read:

5-A. Enhanced 9-1-1 access-only service. "Enhanced 9-1-1 access-only service" or "E-9-1-1 access-only service" means the provision of E-9-1-1 access to a residential telephone customer's premises when telephone service to the premises has been otherwise suspended or disconnected.

Sec. 2. 25 MRSA §2935 is enacted to read:

§2935. E-9-1-1 access-only service

1. Provision of E-9-1-1 access-only service. It is the policy of this State that E-9-1-1 be broadly available where it is economically and technologically practical. The bureau shall, by rule, establish requirements for the provision of E-9-1-1 access-only service, including, but not limited to, the circumstances in which E-9-1-1 access-only service is and is not required and which telephone service providers are and are not subject to the requirements.

2. Rulemaking. The bureau shall adopt rules to implement this section. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. Major substantive rulemaking; authority for legislation. Major substantive rules provisionally adopted pursuant to the Maine Revised Statutes, Title 25, section 2935 must be submitted to the Legislature by January 15, 2008 for review by the Joint Standing Committee on Utilities and Energy during the Second Regular Session of the 123rd Legislature. In the rulemaking, the Public Utilities Com-

mission, Emergency Services Communication Bureau shall, at a minimum, address the following issues:

1. E-9-1-1 system and database issues raised by E-9-1-1 access-only service, including, but not limited to, safety, accuracy, reliability and reporting of changes to the E-9-1-1 database;
2. The liability of telephone service providers with respect to E-9-1-1 access-only service;
3. Notification to customers regarding E-9-1-1 access-only service;
4. The duration of E-9-1-1 access-only service requirements;
5. Exceptions to E-9-1-1 access-only service requirements; and
6. Definitions of relevant terms.

Following its review of the major substantive rules, the Joint Standing Committee on Utilities and Energy is authorized to submit legislation to the Second Regular Session of the 123rd Legislature regarding E-9-1-1 access-only service.

See title page for effective date.

CHAPTER 227

S.P. 655 - L.D. 1837

An Act To Harmonize State and Federal Laws on Do-not-call Lists

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

Sec. 1. 10 MRSA §1499, as repealed and replaced by PL 1995, c. 334, §2, is repealed.

Sec. 2. 10 MRSA §1499-B is enacted to read:

§1499-B. Telephone solicitation

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Consumer" means a resident of this State who is a residential telephone subscriber and an actual or prospective:

- (1) Purchaser, lessee or recipient of consumer goods or services; or
- (2) Donor or contributor to an organization.

B. "Consumer goods or services" means:

- (1) Tangible or intangible personal property or real property that is normally used for personal, family or household purposes;

(2) Property intended to be attached to or installed on real property without regard to whether it is actually attached or installed;

(3) Services related to the property described in subparagraph (1) or (2);

(4) Credit cards or the extension of credit; or

(5) Professional services.

C. "Division" means the Department of the Attorney General, Consumer Protection Division.

D. "Doing business in Maine" means making telephone sales calls to consumers located in this State whether the telephone sales calls originate in the State or outside the State.

E. "Registry" means the do-not-call registry maintained by the division that lists the names of persons who do not wish to receive telephone sales calls.

F. "Resident" means a resident of this State.

G. "Telephone number" means a residential telephone number.

H. "Telephone sales call" means a solicitation call made to a consumer for:

(1) Solicitation of a sale of consumer goods or services; or

(2) Obtaining information that will or may be used for the direct solicitation of a sale of consumer goods or services or an extension of credit for such purposes.

"Telephone sales call" includes a call made by use of automated dialing or recorded message devices.

I. "Telephone solicitor" means an individual, firm, organization, partnership, association or corporation, including affiliates and subsidiaries, doing business in Maine.

2. Application. This section does not apply to:

A. A telephone sales call made in response to and at the express request of the person called;

B. A telephone sales call made primarily in connection with an existing debt or contract for which payment or performance has not been completed at the time of the call; or

C. A telephone sales call for a solicitation other than a commercial solicitation, but only if:

(1) The telephone call is made by a volunteer or an employee of the soliciting organization; and

(2) The telephone solicitor who makes the telephone call immediately discloses all of the following information: