

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

SECOND REGULAR SESSION
January 2, 2008 to March 31, 2008

FIRST SPECIAL SESSION
April 1, 2008 to April 18, 2008

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 2008

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 18, 2008

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2008

**CHAPTER 634
H.P. 1586 - L.D. 2220**

**An Act To Aid Victims of
Identity Theft in Securing a
Police Report**

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. 10 MRSA §1350-B is enacted to read:

§1350-B. Reporting of identity theft; mandatory police report and possible investigation

A person who knows or reasonably believes that the person's personal information has been misused in violation of Title 17-A, section 905-A may report the misuse and obtain a police report by contacting the local law enforcement agency that has jurisdiction over the person's actual residence or place of business. That law enforcement agency shall make a police report of the matter and provide the complainant with a copy of that report. At its discretion, the law enforcement agency may undertake an investigation of the matter or refer it to another law enforcement agency. If the suspected crime was committed in a jurisdiction outside of the State, the local law enforcement agency shall refer the report to the law enforcement agency where the suspected crime was committed.

See title page for effective date.

**CHAPTER 635
H.P. 1571 - L.D. 2202**

**An Act To Allow a
Municipality To Adopt a
Program To Provide Property
Tax Benefits to Senior Citizens**

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

Sec. 1. 36 MRSA §6232, sub-§1, as enacted by PL 2005, c. 395, §4, is amended to read:

1. Conditions of program. A Except as provided in subsection 1-A, a program adopted under this section must:

- A. Require that the claimant has a homestead in the municipality;
- B. Provide benefits for both owners and renters of homesteads; and
- C. Calculate benefits in a way that provides greater benefits proportionally to claimants with lower incomes in relation to their property taxes accrued or rent constituting property taxes accrued.

Sec. 2. 36 MRSA §6232, sub-§1-A is enacted to read:

1-A. Volunteer program. A municipality may by ordinance adopt a program that permits claimants who are at least 60 years of age to earn benefits up to a maximum of \$750 by volunteering to provide services to the municipality. A program adopted under this subsection does not need to meet the requirements of subsection 1, paragraph B or C. Benefits provided under this subsection must be related to the amount of volunteer service provided. Benefits received under this subsection may not be considered income for purposes of Part 8. A municipality may by ordinance establish procedures and additional standards of eligibility for a program adopted under this subsection.

See title page for effective date.

**CHAPTER 636
H.P. 1613 - L.D. 2251**

**An Act To Establish Municipal
Cost Components for
Unorganized Territory
Services To Be Rendered in
Fiscal Year 2008-09 and To
Require Notation of Tax
Enhancement Programs
Approved by the County
Commissioners**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, prompt determination and certification of the municipal cost components in the Unorganized Territory Tax District are necessary to the establishment of a mill rate and the levy of the Unorganized Territory Educational and Services Tax; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 5 MRSA §246, sub-§2, ¶B, as enacted by PL 1985, c. 459, Pt. C, §1, is amended to read:

B. To prepare and submit, by March 1st, annually, a report of ~~his~~ the fiscal administrator's review, analysis and investigation to the joint standing committee of the Legislature having jurisdiction over taxation, each Legislator representing a county containing unorganized territory and the office of the county commissioners of each county having unorganized territory. The report shall must contain sufficient detail to explain fully each agency or county request and may contain recommendations by the administrator regarding legislative or administrative action. This report must also include information relating to development districts under consideration or approved by the county commissioners under Title 30-A, section 5235 and provide details regarding costs and tax shifts resulting from or anticipated to result from the development district or proposed district;

Sec. 2. 5 MRSA §246, sub-§3, as enacted by PL 1985, c. 459, Pt. C, §1, is amended to read:

3. Legislation. The fiscal administrator shall prepare and submit legislation to the Legislature by March 1st, annually, providing for the requests made by counties and state agencies for services provided in the unorganized territory ~~which~~ that are entitled to funding under Title 36, chapter 115. Legislation submitted pursuant to this subsection must also include a notation as to any tax enhancement programs that have been approved by the county commissioners. The administrator ~~shall~~ may not reject or change a budget submitted by a county or state agency without the approval of the county or agency making the request.

Sec. 3. Municipal cost components for services rendered. In accordance with the Maine Revised Statutes, Title 36, chapter 115, the Legislature determines that the net municipal cost component for services and reimbursements to be rendered in fiscal year 2008-09 is as follows:

| | |
|---|------------|
| Audit - Fiscal Administration | \$198,294 |
| Education | 11,883,253 |
| Forest Fire Protection | 160,000 |
| Human Services - General Assistance | 62,000 |
| Property Tax Assessment - Operations | 799,852 |
| Maine Land Use Regulation Commission - Operations | 404,589 |

| | |
|---|---------------|
| TOTAL STATE AGENCIES | \$13,507,988 |
| County Reimbursements for Services: | |
| Aroostook | \$822,636 |
| Franklin | 653,984 |
| Hancock | 164,925 |
| Kennebec | 881 |
| Oxford | 459,128 |
| Penobscot | 857,695 |
| Piscataquis | 1,145,517 |
| Somerset | 864,474 |
| Washington | 686,371 |
| TOTAL COUNTY SERVICES | \$5,655,611 |
| TOTAL REQUIREMENTS | \$19,163,599 |
| COMPUTATION OF ASSESSMENT | |
| Requirements | \$19,163,599 |
| Less Deductions: | |
| General - | |
| State Revenue Sharing | \$290,000 |
| Homestead Reimbursement | 100,000 |
| Miscellaneous Revenues | 50,000 |
| Transfer from Undesignated Fund Balance | 3,000,000 |
| TOTAL | \$3,440,000 |
| Educational - | |
| Land Reserved Trust | \$100,000 |
| Tuition/Travel | 250,000 |
| Miscellaneous | 5,000 |
| Special - Teacher Retirement | 200,000 |
| TOTAL | \$555,000 |
| TOTAL DEDUCTIONS | (\$3,995,000) |
| TAX ASSESSMENT | \$15,168,599 |

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

Effective April 16, 2008.

CHAPTER 637

H.P. 1628 - L.D. 2265

An Act To Reduce the Amount Collected for the Purpose of the E-9-1-1 System

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the State's E-9-1-1 service provides significant public safety benefits by enabling the public to dial 9-1-1 in the event of an emergency and speeding up the dispatch of emergency services through automatic caller location information; and

Whereas, the E-9-1-1 system is funded by a special statewide surcharge on telephone lines; and

Whereas, in recent years, the E-9-1-1 surcharge, which is established in statute and has been fixed at 50¢ per line per month since 2001, has generated revenues in excess of necessary expenditures to fund the E-9-1-1 system; and

Whereas, it is necessary to reduce the E-9-1-1 surcharge as soon as possible to ensure that the money contributed by telephone ratepayers to fund the E-9-1-1 system is used for that purpose and the surcharge amount going forward is consistent with expenditure needs; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 25 MRSA §2927, sub-§1-B, as amended by PL 2007, c. 68, §5, 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 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 customers, the place of residence of those 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¢~~ 30¢ per month per line or number or, in the case of prepaid wireless telephone services, ~~50¢~~ 30¢ per month or 30-day increment of service per customer. The statewide E-9-1-1 surcharge must be collected from the customer on a monthly basis by each local exchange telephone utility, 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. 2. Review of E-9-1-1 fund and surcharge; report. The Public Utilities Commission, Emergency Services Communication Bureau, referred to in this section as "the bureau," shall conduct a thorough review of the E-9-1-1 fund under the Maine Revised Statutes, Title 25, section 2927, including but not limited to surcharge revenue history and projections, expenditure history and projections and unexpended amounts in the fund. Based on the results of the review, the bureau shall make a recommendation regarding the E-9-1-1 surcharge amount under Title 25, section 2927, subsection 1-B. No later than February 1, 2009, the bureau shall submit the results of its review and its recommendation regarding the E-9-1-1 surcharge to the joint standing committee of the Legislature having jurisdiction over utilities matters. The report required under this section may be combined with the February 1, 2009 annual report required under Title 25, section 2927, subsection 5. After receipt and review of the report, the joint standing committee of the Legislature having jurisdiction over utilities matters may submit legislation regarding the E-9-1-1 surcharge to the First Regular Session of the 124th Legislature.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

PUBLIC UTILITIES COMMISSION

Emergency Services Communication Bureau 0994

Initiative: Deallocates funds within the Emergency Services Communication Bureau as a result of a reduction in the E-9-1-1 surcharge from 50¢ to 30¢ per line per month.