

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

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.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
All Other	\$0	(\$3,520,000)
<hr style="width: 50%; margin-left: 0;"/>		
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$3,520,000)

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

Effective April 16, 2008.

CHAPTER 638

H.P. 1632 - L.D. 2269

An Act To Strengthen Maine's Consumer Protections against "Slamming"

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

Sec. 1. 35-A MRSA §2102, sub-§1, ¶A is enacted to read:

A. The commission may not grant approval to a telephone utility under this subsection unless the telephone utility submits evidence satisfactory to the commission that the telephone utility has at least \$250,000 in fixed assets in this State or the telephone utility purchases and maintains a surety bond satisfactory to the commission in the amount of \$250,000 to ensure the telephone utility has the financial ability to meet its obligations under this Title. This paragraph does not apply to a telephone utility authorized to provide telephone service in this State on the effective date of this paragraph.

Sec. 2. 35-A MRSA §7106, sub-§1, ¶A, as amended by PL 2003, c. 530, §1, is further amended to read:

A. Notwithstanding Title 32, chapter 69, subchapter 5 or Title 32, section 14716, and except as otherwise provided by the commission by rule adopted pursuant to subsection 3, a local or intrastate interexchange carrier may not initiate the change of a customer's local or intrastate carrier unless the change is expressly authorized by the customer as verified by one of the following methods:

- (1) Written or electronically signed authorization from the customer;
- (2) Toll-free electronic authorization placed from the telephone number that is the subject of the change order; or

- (3) Oral authorization of the customer obtained by an independent 3rd party.

Sec. 3. 35-A MRSA §7106, sub-§6 is enacted to read:

6. Customer education. The Public Advocate shall periodically inform telephone customers in the State of the protections and rights provided by this section.

See title page for effective date.

CHAPTER 639

H.P. 1639 - L.D. 2274

An Act To Amend the Municipal Tree Growth Reimbursement Formula

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

Sec. 1. 36 MRSA §578, sub-§1, as amended by PL 2007, c. 438, §16, is further amended to read:

1. Organized areas. The municipal assessors or chief assessor of a primary assessing area shall adjust the State Tax Assessor's 100% valuation per acre for each forest type of their county by whatever ratio, or percentage of current just value, is applied to other property within the municipality to obtain the assessed values. Forest land in the organized areas, subject to taxation under this subchapter, must be taxed at the property tax rate applicable to other property in the municipality.

The State Tax Assessor shall determine annually the amount of acreage in each municipality that is classified and taxed in accordance with this subchapter. Each municipality is entitled to annual payments distributed in accordance with this section from money appropriated by the Legislature if it submits an annual return in accordance with section 383 and if it achieves the minimum assessment ratio established in section 327. The State Tax Assessor shall pay any municipal claim found to be in satisfactory form by August 1st of the year following the submission of the annual return. The ~~per-acre~~ municipal reimbursement appropriation is calculated on the basis of 90% of the per acre tax revenue lost as a result of this subchapter. For purposes of this section, the tax lost is the tax that would have been assessed, but for this subchapter, on the classified forest lands if they were assessed according to the undeveloped acreage valuations used in the state valuation then in effect, or according to the current local valuation on undeveloped acreage, whichever is less, minus the tax that was actually assessed on the same lands in accordance with this subchapter, and adjusted for the aggregate municipal savings in required educational costs attributable to reduced state