

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 12, 2009

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

Augusta, Maine
2009

fund." The fund must be used to reimburse eligible employers for the cost of extended benefits paid on their behalf from the Unemployment Compensation Fund under the Maine Revised Statutes, Title 26, section 1141 as a result of the triggering of the "on" indicator provided in this Act.

To obtain reimbursement from the fund, an employer must demonstrate to the administrator of the fund that the employer has paid its bill to the Unemployment Compensation Fund for the benefits and that the benefits paid were attributable to this "on" indicator.

If amounts in the fund are not sufficient to cover the total cost of the extended benefits under this Act, the Commissioner of Administrative and Financial Services, on behalf of the Governor, shall submit a budget request to the Second Regular Session of the 124th Legislature.

For purposes of this section, a school administrative unit as defined in the Maine Revised Statutes, Title 20-A, section 1, subsection 26 is not an eligible employer.

Sec. 7. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Emergency Unemployment Benefit Reimbursement Fund N070

Initiative: Provides funds to support the costs of reimbursing certain direct reimbursement employers for extended benefits paid as a result of temporarily adding an alternative methodology for determining when extended unemployment benefits are paid.

GENERAL FUND	2009-10	2010-11
All Other	\$600,000	\$0
GENERAL FUND TOTAL	\$600,000	\$0

Sec. 8. Retroactivity. Sections 2 to 5 of this Act apply retroactively to February 17, 2009.

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

Effective April 16, 2009.

**CHAPTER 34
S.P. 71 - L.D. 221**

**An Act To Modify the Laws
Regarding Seat Belts**

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

Sec. 1. 29-A MRSA §2081, sub-§6, as amended by PL 1997, c. 450, §4, is further amended to read:

6. Exceptions. Notwithstanding subsection 3-A:

A. A rural mail carrier of the United States Postal Service is not required to be secured in a seat belt while engaged in the delivery of mail; ~~and~~

B. The operator of a taxicab or a limousine is not responsible for securing in a seat belt a passenger transported for a fee; and

C. A newspaper delivery person is not required to be secured in a seat belt while engaged in the actual delivery of newspapers from a vehicle or performing newspaper delivery duties that require frequent entry into and exit from a vehicle.

See title page for effective date.

**CHAPTER 35
S.P. 43 - L.D. 120**

**An Act Regarding Assistance
to Low-income Customers of
Gas Utilities**

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

Sec. 1. 35-A MRSA §4706-A, as enacted by PL 1999, c. 664, §1, is repealed.

Sec. 2. 35-A MRSA §4706-B is enacted to read:

§4706-B. Assistance programs for low-income customers

1. Programs. Each gas utility in the State that serves 5,000 or more residential customers shall offer low-income assistance programs for residential customers who satisfy criteria for low-income assistance as established by the commission in rule. To the maximum extent possible, a gas utility, in adopting and implementing a low-income assistance program under this section, shall seek to encourage conservation in the use of gas by program participants.

2. Cost recovery. The commission shall include in rates for a gas utility all costs incurred in compli-

ance with this section and commission rules adopted under this section, as long as such costs have been prudently incurred.

3. Rules. The commission may adopt rules necessary to implement this section. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

4. Report. The commission shall report on low-income assistance programs offered by gas utilities pursuant to this section within the annual report required under section 120.

See title page for effective date.

CHAPTER 36

H.P. 111 - L.D. 127

An Act To Prohibit Telephone Charges Not Representing Services or Fees Requested by the Customer or Authorized by the Government

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

Sec. 1. 35-A MRSA §7102, sub-§1-B is enacted to read:

1-B. Line-item charge. "Line-item charge" means a discrete charge identified separately on a customer's telephone bill.

Sec. 2. 35-A MRSA §7109 is enacted to read:

§7109. Unlawful telephone charges

1. Unauthorized and duplicative line-item charges prohibited. A telephone utility may not charge a customer for, or include as a separate line-item charge on the customer's bill, any charge unless that charge represents:

A. An actual service or fee authorized by the customer; or

B. An actual tax, fee or charge authorized or required by federal or state law or by a federal or state agency rule or order.

A telephone utility may not include in a line-item charge on a customer's bill any element of the telephone utility's costs that is charged for elsewhere on the customer's bill.

2. Description of line-item charges required.

A telephone utility shall provide on the customer's bill a brief, clear, nonmisleading, plain language description of each line-item charge included on the bill and the authorized service, tax or fee represented by that line-item charge.

3. Enforcement. In addition to any authority the commission may have pursuant to other law, the commission may impose an administrative penalty upon a telephone utility for violation of this section. The amount of any administrative penalty imposed under this subsection may not exceed \$1,000 per violator for violations arising out of the same incident or complaint and must be based on:

A. The severity of the violation, including the intent of the violator and the nature, circumstances, extent and gravity of any prohibited acts;

B. The history of previous violations by the violator;

C. The amount necessary to deter future violations;

D. Good faith attempts to comply after notification of a violation; and

E. Such other matters as justice requires.

The commission shall provide a simple process for a customer of a telephone utility to report to the commission a line-item charge that the customer believes may violate this section.

This subsection is not intended to limit any enforcement action or penalty pursued by the Attorney General for violations of Title 5, chapter 10 where applicable.

See title page for effective date.

CHAPTER 37

H.P. 192 - L.D. 238

An Act Regarding Consumer-owned Water Utilities and Contracts for Large-scale Extraction and Transportation of Water

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

Sec. 1. 35-A MRSA §6109-B is enacted to read:

§6109-B. Contracts for large-scale extraction and transportation of water

Except as provided in subsection 5, this section governs any contract or agreement between a consumer-owned water utility and another entity that involves the large-scale extraction of water and the large-scale transportation of water.

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