

# 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.**

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**Augusta, Maine**  
**2009**

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.