

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

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TITLE 3, SECTION 163-A, SUBSECTION 4.

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.

A. "Large-scale extraction of water" means the extraction of water that is required to be permitted, certified, reported or approved pursuant to:

- (1) The in-stream flow provisions of Title 38, section 470-H;
- (2) The requirements for significant ground-water wells under Title 38, section 480-B;
- (3) The site location of development law requirements for a development of state or regional significance that may substantially affect the environment as provided in Title 38, section 482, subsection 2; or
- (4) The water withdrawal reporting program under Title 38, chapter 3, subchapter 1, article 4-B.

B. "Large-scale transportation of water" means the transportation of water for commercial purposes by pipeline or other conduit or by tank truck or in a container, greater in size than 10 gallons, beyond the boundaries of the municipality or township in which the water is naturally located or of any bordering municipality or township.

2. Public meeting required. A consumer-owned water utility may not enter into a contract or agreement subject to this section until at least 30 days after holding a public meeting on the proposed contract or agreement in accordance with this subsection. The public meeting must include:

- A. A presentation by the consumer-owned water utility of the terms and conditions of the proposed contract or agreement and the criteria to be used by the utility to decide whether to enter into the contract or agreement; and
- B. An opportunity for public comment on the proposed contract or agreement.

3. Public notice required. The consumer-owned water utility shall, at least 30 days prior to the public meeting required under subsection 2, give written notice of the public meeting and the proposed contract or agreement in accordance with this subsection. The notice must include the date, time, place and purpose of the meeting.

- A. The consumer-owned water utility shall give one written notice to each of its customers.
- B. The consumer-owned water utility shall give written notice to the commission, the Office of the Public Advocate and the municipality or municipalities where the source of water is located.
- C. The consumer-owned water utility shall publish one notice in a newspaper of general circulation in the area served by the consumer-owned water utility.

4. Copy available for inspection. Prior to the public meeting required under subsection 2, the consumer-owned water utility shall make available for public inspection a copy of the proposed contract or agreement.

5. Exceptions. This section does not apply to a 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 when:

- A. The entity entering into a contract or agreement with the consumer-owned water utility is:
 - (1) An existing customer of the consumer-owned water utility; or
 - (2) A water utility; or

B. The large-scale transportation of water meets the exceptions provided in Title 22, section 2660-A, subsection 2, paragraph B, C or D.

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

See title page for effective date.

CHAPTER 38

H.P. 141 - L.D. 162

An Act To Clarify Child Abuse and Neglect Information Disclosure

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

Sec. 1. 22 MRSA §4008, sub-§3, ¶A-1, as enacted by PL 2005, c. 300, §9, is amended to read:

A-1. The court-appointed guardian ad litem, ~~visitor~~ or attorney of a child who is the subject of a court proceeding involving parental rights and responsibilities, grandparent visitation, custody, guardianship or involuntary commitment. The access of the guardian ad litem, ~~visitor~~ or attorney to the records or information under this paragraph is limited to reviewing the records in the offices of the department. Any other use of the information or records during the proceeding in which the guardian ad litem, ~~visitor~~ or attorney is appointed is governed by paragraph B;

Sec. 2. 22 MRSA §4008-A, sub-§1, as enacted by PL 1997, c. 328, §1, is amended to read:

1. Disclosure permitted. Notwithstanding any other provision of law, the commissioner, with the advice of the Attorney General, may disclose informa-