

# 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**

a permit for an energy facility greater than 75 miles in length on land other than the submerged lands of this State or outside the territorial waters of this State as defined in the Maine Revised Statutes, Title 12, section 6001, subsection 48-B until this section is repealed, except that:

A. An application from such an energy facility may be processed by a state authority up to, but not including, final decision on the application;

B. Any such applications processed by the Department of Environmental Protection or the Public Utilities Commission that may require adjudicatory proceedings or permit application review may not proceed beyond creation of the evidentiary record; and

C. Any action, proceeding or decision by a state authority pertaining to such an application is governed by any law enacted pursuant to section 4, subsection 6.

A state authority may not sell or lease public lands as that term is used in Title 35-A, section 3132, subsection 13 for the installation of an energy facility greater than 75 miles in length until a law approving a plan governing the sale or lease of state lands for such installations is enacted or until the energy facility receives a certificate of public convenience and necessity pursuant to Title 35-A, section 3132. Notwithstanding any other statutory provision or exemption, any person proposing to construct a transmission line greater than 75 miles in length and operating at greater than 69 kilovolts must obtain a certificate of public convenience and necessity as required by Title 35-A, section 3132.

**Sec. E-2.** PL 2009, c. 372, Pt. K, §5 is enacted to read:

**Sec. K-5. Effective date.** Those sections of this Part that amend the Maine Revised Statutes, Title 35-A, section 3210, subsections 5, 6 and 6-A take effect July 1, 2010.

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

Effective June 17, 2009.

## CHAPTER 416

### H.P. 210 - L.D. 264

#### An Act To Amend the Surcharge for 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**, the E-9-1-1 surcharge is established in statute and had been fixed at 50¢ per line per month since 2001; and

**Whereas**, the surcharge was reduced from 50¢ to 30¢ in 2008; and

**Whereas**, it is necessary to set 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. 637, §1, 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 Beginning July 1, 2009, the statewide E-9-1-1 surcharge is 30¢ 37¢ per month per line or number or, in the case of prepaid wireless telephone services, 30¢ 37¢ per month or 30-day increment of service per customer. Beginning July 1, 2010, the statewide E-9-1-1 surcharge is 52¢ per month per line or number or, in the

case of prepaid wireless services, 52¢ 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. Authority for legislation; E-9-1-1 surcharge.** The Joint Standing Committee on Utilities and Energy may submit legislation regarding the E-9-1-1 surcharge to the Second Regular Session of the 124th Legislature. Before submitting legislation under this section, the committee shall consider E-9-1-1 surcharge revenue history and projections, including surcharge revenue from prepaid wireless services; E-9-1-1 fund expenditure history and projections; unexpended amounts in the E-9-1-1 fund; any opportunities to reduce expenditures related to the configuration of public safety answering points; and designated uses of the E-9-1-1 fund. The Public Utilities Commission, Emergency Services Communication Bureau shall provide relevant information regarding the E-9-1-1 surcharge and E-9-1-1 fund for the committee's consideration.

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

#### PUBLIC UTILITIES COMMISSION

##### Emergency Services Communication Bureau 0994

Initiative: Allocates funds to the Emergency Services Communication Bureau for the E-9-1-1 program.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$1,286,506	\$4,043,303
OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,286,506	\$4,043,303

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect July 1, 2009.

Effective July 1, 2009.

## CHAPTER 417

### H.P. 545 - L.D. 796

#### An Act To Direct Fines Derived from Tribal Law Enforcement Activities to the Passamaquoddy Tribe and the Penobscot Nation

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

**Sec. 1. 4 MRSA §1059** is enacted to read:

#### **§1059. Fines; tribal law enforcement activities**

**1. Civil and criminal fines.** Except as provided in subsection 2, a fine for a civil violation, traffic infraction or Class D or Class E crime imposed for a violation of any tribal or state law must be remitted to the Passamaquoddy Tribe or the Penobscot Nation, as appropriate, when a tribal law enforcement agency issued the ticket, complaint, summons or warrant or made the arrest related to the violation.

**2. Exception; environmental violations.** A fine imposed by a state court for a violation of Title 38 within the Indian territory of the Passamaquoddy Tribe or the Penobscot Nation may not be remitted to the Passamaquoddy Tribe or the Penobscot Nation. In addition to those costs awarded to the State pursuant to Title 14, section 1522, subsection 1, the court may award to the Passamaquoddy Tribe or the Penobscot Nation costs associated with investigating and otherwise contributing to any enforcement action for a violation of Title 38.

**3. Repeal.** This section is repealed June 30, 2012.

**Sec. 2. Report.** By January 15, 2012 the judicial branch shall submit a report to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and judiciary matters concerning the fiscal, administrative and practical effects of the Maine Revised Statutes, Title 4, section 1059. The Attorney General may provide information to the judicial branch to be included in the report.

See title page for effective date.