

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST SPECIAL SESSION
September 27, 2011

SECOND REGULAR SESSION
January 4, 2012 to May 31, 2012

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
LAWS IS
SEPTEMBER 28, 2011

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 30, 2012

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

Augusta, Maine
2012

commission prior to January 1, 2012. This chapter is repealed August 1, 2013.

PART D

Sec. D-1. 25 MRSA §2929, sub-§1, ¶B, as enacted by PL 1997, c. 291, §3, is amended to read:

B. ~~Customer information, described in Title 35-A, section 7501, subsection 1, that is Names, addresses and telephone numbers that are omitted from a telephone utility directory list at the request of a customer;~~

Sec. D-2. 35-A MRSA §101, as amended by PL 1999, c. 398, Pt. A, §2 and affected by §§104 and 105, is further amended to read:

§101. Statement of purpose

The purpose of this Title is to ensure that there is a regulatory system for public utilities in the State and for other entities subject to this Title that is consistent with the public interest and with other requirements of law and to provide for reasonable licensing requirements for competitive electricity providers. The basic purpose of this regulatory system as it applies to public utilities subject to service regulation under this Title is to ensure safe, reasonable and adequate service and to ensure that the rates of public utilities subject to rate regulation are just and reasonable to customers and public utilities.

Sec. D-3. 35-A MRSA §103, sub-§2, ¶A, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

A. All public utilities and certain other entities as specified in this Title are subject to the jurisdiction, control and regulation of the commission and to applicable provisions of this Title.

Sec. D-4. 35-A MRSA §120, sub-§5, as amended by PL 2009, c. 122, §9, is further amended to read:

5. Telephone exemptions. The commission's activities undertaken pursuant to its authority to grant exemptions to telephone utilities providers of provider of last resort service from certain portions of this Title;

Sec. D-5. Merger obligations unaffected. Nothing in this Act is intended or may be interpreted to modify or affect any provision of or the rights and obligations of any entity under any order of the Public Utilities Commission that establishes, approves, modifies, amends or in any way relates to any condition or requirement imposed by the commission in connection with the merger of FairPoint Communications, Inc. and Verizon Communications Inc. and the transfer to FairPoint Communications, Inc. of facilities previously owned or operated by Verizon Communications Inc., including but not limited to orders entered in the following commission dockets: Docket No. 2005-155; Docket No. 2007-67; Docket No. 2008-108; Docket

No. 2010-76; Docket No. 2010-77; and Docket No. 2010-78.

Sec. D-6. Entities approved to furnish service. Nothing in this Act is intended or may be interpreted to remove or otherwise affect any approval granted by the Public Utilities Commission to any entity under the Maine Revised Statutes, Title 35-A, section 2102 prior to the effective date of this Act.

Sec. D-7. Regulatory assessments and special funds. The Public Utilities Commission shall examine whether it is appropriate to require any voice service providers that are not required to pay assessments under the Maine Revised Statutes, Title 35-A, sections 116, 7104 and 7104-B to pay such assessments and if so the reasons why they should be included and how they may appropriately and fairly be included. The commission shall submit a report of its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over utilities and technology matters by January 15, 2013. The joint standing committee may report out a bill related to the subject of the report to the First Regular Session of the 126th Legislature.

Sec. D-8. Statutory revisions. The Public Utilities Commission shall review the provisions of the Maine Revised Statutes, Title 35-A and the commission's implementing rules relating to or affecting telecommunications and shall determine what, if any, further changes to law are required to clarify or bring into effect the regulatory changes made by this Act. The commission shall specifically examine whether the expansion of the application of Title 35-A, section 711 creates any regulatory or other issues that should be addressed. The commission may submit a bill to the First Regular Session of the 126th Legislature proposing any recommended changes to law to clarify, adjust or bring into effect the regulatory changes made by this Act.

See title page for effective date.

CHAPTER 624

H.P. 1389 - L.D. 1878

An Act To Allow Abatement of Property Taxes Due to Hardship

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

Sec. 1. 36 MRSA §841, sub-§2, as amended by PL 2005, c. 169, §1, is further amended to read:

2. Hardship or poverty. The municipal officers or the State Tax Assessor for the unorganized territory, within 3 years from commitment, may, on their own knowledge or on written application therefor, make

such abatements as they believe reasonable on the real and personal taxes on the primary residence of any person who, by reason of ~~infirmity~~ hardship or poverty, is in their judgment unable to contribute to the public charges. The municipal officers or the State Tax Assessor for the unorganized territory may extend the 3-year period within which they may make abatements under this subsection.

Municipal officers or the State Tax Assessor for the unorganized territory shall:

- A. Provide that any person indicating an inability to pay all or part of taxes that have been assessed because of poverty or ~~infirmity~~ hardship be informed of the right to make application under this subsection;
- B. Assist individuals in making application for abatement;
- C. Make available application forms for requesting an abatement based on poverty or ~~infirmity~~ hardship and provide that those forms contain notice that a written decision will be made within 30 days of the date of application;
- D. Provide that persons are given the opportunity to apply for an abatement during normal business hours;
- E. Provide that all applications, information submitted in support of the application, files and communications relating to an application for abatement and the determination on the application for abatement are confidential. Hearings and proceedings held pursuant to this subsection must be in executive session;
- F. Provide to any person applying for abatement under this subsection; notice in writing of their decision within 30 days of application; and
- G. Provide that any decision made under this subsection include the specific reason or reasons for the decision and inform the applicant of the right to appeal and the procedure for requesting an appeal.

Sec. 2. 36 MRSA §943-A, as amended by PL 2005, c. 169, §2, is further amended to read:

§943-A. Application for abatement

~~Beginning with taxes that are assessed after April 1, 2005, each~~ Each notice under sections 942 and 1281 that is sent by a municipality or the State Tax Assessor to a person on whose primary residence taxes have been assessed must contain a statement that that person may apply for an abatement of those taxes if the person cannot pay the taxes that have been assessed because of poverty or ~~infirmity~~ hardship.

See title page for effective date.

CHAPTER 625

S.P. 653 - L.D. 1869

An Act To Establish the Dairy Improvement Fund

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 Maine dairy industry may suffer irreparable injury if state support is not available immediately; 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. 7 MRSA §2910-B is enacted to read:

§2910-B. Dairy Improvement Fund

The commissioner shall administer the Dairy Improvement Fund established under Title 10, section 1023-P in accordance with this section and Title 10, section 1023-P. All money received by the fund from any source, including revenue distributed under Title 8, section 1036, subsection 2-A, paragraph M, must be deposited with the Finance Authority of Maine and credited to the fund. Money credited to the fund must be used to provide loans to assist dairy farmers in making capital improvements to maintain and enhance the viability of their farms and to pay the administrative costs of processing loan applications and servicing and administering the fund and loans made from the fund. Repayment of these loans and interest on the loans must be credited to the fund to be available for the same purposes.

The commissioner shall adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 7 MRSA §3153-D, as amended by PL 2009, c. 467, §5, is further amended to read:

§3153-D. Transfer of revenues

On or before the 18th day of each month, the administrator of the Maine Milk Pool shall ~~certify the amounts~~ subtract the amount in the Maine Milk Pool. Other Special Revenue Funds account that is available for distribution for dairy stabilization support from the total amount to be distributed for the previous month pursuant to section 3153-B and certify this amount to the State Controller, who shall transfer the certified