

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**August 29, 2013**

**SECOND REGULAR SESSION**  
**January 8, 2014 to May 2, 2014**

**THE EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**EMERGENCY LAW IS**  
**SEPTEMBER 6, 2013**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 1, 2014**

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

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**Augusta, Maine**  
**2014**

establishing a new health care practice or purchasing an existing health care practice in an underserved area;

(2) Agrees to practice full time for at least 5 years in an underserved area;

(3) Is certified under subsection 3 to be eligible by the Department of Health and Human Services; and

(4) Has an unpaid student loan owed to an institution for course work directly related to that person's training in primary care medicine.

B. "Underserved area" means an area in the State that is a health professional shortage area or medically underserved area or that contains a medically underserved population as defined by the federal Department of Health and Human Services, Health Resources and Services Administration.

**2. Credit.** For tax years beginning on or after January 1, 2014 but before January 1, 2019, an eligible primary care professional is allowed a credit against the taxes due under this Part as follows.

A. The credit may be claimed in the first year that the eligible primary care professional meets the conditions of eligibility for at least 6 months and each of the 4 subsequent years or until the student loan of the eligible primary care professional is paid in full, whichever comes first.

B. The credit may be claimed in an amount equal to the annual payments made on the student loan not to exceed \$6,000 in the first year, \$9,000 in the 2nd year, \$12,000 in the 3rd year, \$15,000 in the 4th year and \$18,000 in the 5th year.

C. The credit may not reduce the tax due under this Part to less than zero.

**3. Eligibility limitation; certification.** The Department of Health and Human Services shall certify up to 5 eligible primary care professionals each year. The Department of Health and Human Services shall monitor certified primary care professionals to ensure that they continue to be eligible for the credit under this section and shall decertify any primary care professional who ceases to meet the conditions of eligibility. The Department of Health and Human Services shall notify the bureau whenever a primary care professional is certified or decertified. A decertified primary care professional ceases to be eligible for the credit under this section beginning with the tax year during which the primary care professional is decertified.

**4. Rules.** The Department of Health and Human Services 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.

**5. Annual report.** By January 15, 2016 and annually thereafter, the Department of Health and Human Services and the bureau shall submit a report to the joint standing committee of the Legislature having jurisdiction over taxation matters. The report must indicate the number of eligible primary care professionals certified and decertified each year by the Department of Health and Human Services pursuant to this section and the total annual loss of revenue attributable to the credit under subsection 2.

**Sec. 2. Transfer from the Medical Use of Marijuana Fund.** Notwithstanding any other provision of law, the State Controller shall transfer \$23,000 by June 30, 2015 from the Medical Use of Marijuana Fund, Other Special Revenue Funds account in the Department of Health and Human Services to the unappropriated surplus of the General Fund.

See title page for effective date.

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**CHAPTER 600**

**H.P. 1060 - L.D. 1479**

**An Act To Clarify  
Telecommunications  
Regulation Reform**

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

**Sec. 1. 35-A MRSA §116, sub-§1, ¶B,** as amended by PL 2011, c. 623, Pt. B, §1, is repealed and the following enacted in its place:

B. For the purposes of this section, "intrastate gross operating revenues" means:

(1) In the case of all utilities except telephone utilities, revenues derived from filed rates except revenues derived from sales for resale;

(2) In the case of a telephone utility, all intrastate revenues, except revenues derived from sales for resale, whether or not the rates from which those revenues are derived are required to be filed pursuant to this Title; and

(3) In the case of a qualified telecommunications provider, all intrastate revenues except revenues derived from sales for resale.

**Sec. 2. 35-A MRSA §7104, sub-§3,** as amended by PL 2011, c. 623, Pt. B, §14, is further amended to read:

**3. Authority.** The commission shall adopt rules to implement this section and may require voice net-

work service providers ~~and providers of radio paging service~~ to contribute to a state universal service fund to support programs consistent with the goals of applicable provisions of this Title and the federal Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56. Prior to requiring that voice network service providers ~~and providers of radio paging service~~ contribute to a state universal service fund, the commission shall assess the telecommunications needs of the State's consumers and establish the level of support required to meet those needs. If the commission establishes a state universal service fund pursuant to this section, the commission shall contract with an appropriate independent fiscal agent that is not a state entity to serve as administrator of the state universal service fund. Funds contributed to a state universal service fund are not state funds. Rules and any state universal service fund requirements established by the commission pursuant to this section must:

- A. Be reasonably designed to maximize federal assistance available to the State for universal service purposes;
- B. Meet the State's obligations under the federal Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56;
- C. Be consistent with the goals of the federal Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56;
- D. Ensure that any requirements regarding contributions to a state universal service fund be non-discriminatory and competitively neutral; and
- G. Require, if a voice network service provider recovers its contributions under this section by means of a charge placed on a bill issued to a customer, explicit identification on that bill of any charge imposed under this section.

For purposes of this section, "voice network service provider" means a voice service provider that offers its subscribers the means to initiate or receive voice communications using the public switched telephone network. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

### **Sec. 3. Universal service fund limitation.**

Unless expressly authorized by law after the effective date of this Act, the Public Utilities Commission may not, sooner than 90 days following the adjournment of the First Regular Session of the 127th Legislature, collect funds for the purpose of disbursing funds from a state universal service fund under the Maine Revised Statutes, Title 35-A, section 7104, subsection 3 to any company that operates more than 50,000 access lines in the State. The joint standing committee of the Legislature having jurisdiction over energy and utilities matters may report out a bill to the First Regular Ses-

sion of the 127th Legislature to provide that authorization.

**Sec. 4. Report.** The Public Utilities Commission shall submit a report to the joint standing committee of the Legislature having jurisdiction over energy and utilities matters by January 7, 2015. In the report, the commission shall address options for decreasing the cost of ensuring that there are adequate and affordable basic telephone service options throughout the State. As used in this section, "provider of last resort service" has the same meaning as set out in the Maine Revised Statutes, Title 35-A, section 7201, subsection 7, and "state universal service fund" means the fund under Title 35-A, section 7104, subsection 3. The commission shall consider at least the following questions.

1. What financial assistance is needed, if any, from the state universal service fund for the largest incumbent local exchange carrier in the State to continue to provide basic telephone service in its current service area?

2. What type of basic telephone service could the largest incumbent local exchange carrier in the State provide with limited or no financial assistance from the state universal service fund?

3. In what geographic areas is it not economical for the largest incumbent local exchange carrier to provide basic telephone service? Of those areas, which ones have no alternatives for basic service at comparable rates? In those areas that have no alternatives, what amount of financial assistance would the local incumbent exchange carrier need to provide basic telephone service?

4. How might the characteristics of provider of last resort service be amended to allow for more competition in the types of service providers that are able to provide provider of last resort service? What are the implications of changing these characteristics with regard to reliability, safety, cost and ease of use of provider of last resort service and the availability and quality of broadband service throughout the State? What are the implications of limiting provider of last resort service to reliable access to emergency services?

5. If the obligation of providing provider of last resort service was not assigned to the incumbent local exchange carrier, how might the commission assign the obligation? What are the obstacles, if any, to the commission's reassigning the provider of last resort obligation to a service provider other than a local incumbent exchange carrier? Is there any action needed by the Legislature?

6. What are the implications of limiting financial assistance for provider of last resort service to areas of the State that have limited competition or availability of basic service providers?

7. What is the broadband penetration of each incumbent local exchange carrier that does and each incumbent local exchange carrier that does not receive state universal service funds? At what tiers, as determined by the Federal Communications Commission, do incumbent local exchange carriers provide service throughout the State? Should providers of provider of last resort service that receive state universal service funds be required to increase the availability, quality or affordability of broadband in this State?

8. In what ways can the commission and the Legislature coordinate any changes to provider of last resort service or to state universal service fund support with ongoing policy developments at the federal level resulting from cases before the Federal Communications Commission, including the call for rural broadband experiments, the Federal Communications Commission's Connect America Fund and changes to intercarrier compensation?

9. Can the State ensure the provision of universal access to telecommunications service at just, reasonable and affordable rates consistent with the federal Telecommunications Act of 1996 without maintaining a regulated provider of last resort service? If so, what is a reasonable time frame for eliminating a regulated provider of last resort service?

The report may include any other information the commission considers relevant to the Legislature's establishing the appropriate scope and nature of provider of last resort service in this State. The joint standing committee of the Legislature having jurisdiction over energy and utilities matters may report out a bill related to the subject matter of the report to the First Regular Session of the 127th Legislature.

See title page for effective date.

**CHAPTER 601**

**H.P. 630 - L.D. 906**

**An Act To Permit a School Administrative Unit Discretion Concerning Participation of Students from Charter Schools in School Extracurricular and Interscholastic Activities**

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

**Sec. 1. 20-A MRSA §2415, sub-§2,** as enacted by PL 2011, c. 414, §5, is amended to read:

**2. Access to extracurricular and interscholastic activities.** A public charter school is eligible for ~~state sponsored or school administrative unit sponsored~~ statewide interscholastic leagues, competitions, awards, scholarships and recognition programs for students, educators, administrators and schools to the same extent as are noncharter public schools. ~~A If a public charter school applies for and receives written approval from the superintendent of a school administrative unit or the superintendent's designee, who may withhold such approval, the public charter school is eligible for school administrative unit-sponsored interscholastic leagues, competitions, awards, scholarships and recognition programs for students, educators, administrators and schools to the same extent as are non-charter public schools. If a public charter school student applies for and receives written approval from the superintendent of the school administrative unit of the noncharter public school or the superintendent's designee, who may withhold such approval, the public charter school student is eligible to participate in extracurricular activities not offered by the student's public charter school at the noncharter public school within the attendance boundaries of which the student's custodial parent or legal guardian resides or the noncharter public school from which the student withdrew for the purpose of attending a public charter school. A The superintendent of the school administrative unit or the superintendent's designee may withhold approval only if the public charter school the student attends provides the same extracurricular or interscholastic activity or if the noncharter public school does not have the capacity to provide the public charter school student with the opportunity to participate in the extracurricular or interscholastic activity. If approval is withheld, the superintendent of the school administrative unit or the superintendent's designee shall provide a written explanation to the public charter school student or the student's parent or guardian stating the reason or reasons for the decision to withhold approval. If a public charter school student is allowed to participate in the noncharter public school's extracurricular activities, the public charter school student is eligible for extracurricular activities at a the noncharter public school subject to eligibility standards applied to full-time students of the noncharter public school. A school administrative unit or noncharter public school may not impose additional requirements on a public charter school student to participate in extracurricular activities that are not imposed on full-time students of the noncharter public school. Public charter school students shall must pay the same fees as other students to participate in extracurricular or cocurricular activities. For each public charter school student who par-~~