

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 2016 to August 2, 2017

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
NOVEMBER 1, 2017

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

Augusta, Maine
2017

Sec. 1. 12 MRSA §13106-A, sub-§14, as amended by PL 2009, c. 340, §20, is repealed.

Sec. 2. 12 MRSA §13106-A, sub-§14-A is enacted to read:

14-A. Snowmobile noise requirements. This subsection governs noise level requirements for snowmobiles.

A. Except as provided in section 13112, a person may not:

(1) Operate a snowmobile manufactured after February 1, 2007 that does not display on its exhaust silencer a visible, unaltered certification marking issued by an independent organization that certifies snowmobiles for uniformity of safety features and noise levels;

(2) Operate a snowmobile manufactured after October 1, 1985 that emits total vehicle noise greater than 78 decibels of sound pressure level at 50 feet on the "A" scale, as measured by the SAE standards J-192; or

(3) Operate a snowmobile with an exhaust system that has been modified in a manner that amplifies or otherwise increases total noise emission above that of the snowmobile as originally constructed, regardless of the date of manufacture.

A snowmobile manufactured on or before October 1, 1973 is not subject to a specific noise level, except that a person may not operate a snowmobile modified in violation of subparagraph (3).

B. The following penalties apply to violations of this subsection.

(1) A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

(2) A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

Sec. 3. 12 MRSA §13112, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §400 and affected by §422, is further amended to read:

§13112. Racing meets

Notwithstanding section 10650 and section 13106-A, subsections ~~14~~ 14-A, 15 and 16, snowmobiles operated at a prearranged racing meet whose sponsor has obtained a permit to hold such a meet from the commissioner are exempt from the provisions of this chapter concerning registration, noise, horsepower and lights during the time of operation at such

meets and at all prearranged practices at the location of the meet.

See title page for effective date.

CHAPTER 72

H.P. 394 - L.D. 552

An Act To Amend Maine's Fish and Wildlife Licensing Laws

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

Sec. 1. 12 MRSA §10853, sub-§17 is enacted to read:

17. Group fishing license for persons with disabilities. In addition to other licenses issued by the commissioner pursuant to this section, the commissioner may issue a complimentary group fishing license to a person or entity that allows a group of persons with disabilities to fish in a location for a period of time as specified on the license.

Sec. 2. 12 MRSA §11154, sub-§5, as amended by PL 2011, c. 370, §5, is further amended to read:

5. Eligibility. Except as provided in this subsection, a resident, nonresident or alien who is eligible to obtain a Maine hunting license or who will be eligible to obtain a Maine hunting license by the opening day of the open moose season is eligible to apply for a moose hunting permit. ~~Beginning in 2011, a~~ A person who has obtained a moose hunting permit is ineligible to obtain another permit until ~~3 years have elapsed~~ the 4th calendar year after the issuance of the last permit. This limitation does not apply to subpermittees under subsection 7.

Sec. 3. 12 MRSA §12953, sub-§4, as amended by PL 2015, c. 281, Pt. F, §2, is further amended to read:

4. Examination. An applicant for a license shall appear at a time and place designated by the commissioner to be examined by means of written, practical and oral tests as the commissioner determines. The commissioner shall determine the form and content of examinations. ~~The examination fee is \$50 and is non-refundable. An applicant may retake the examination once without paying an additional examination fee.~~

Sec. 4. 12 MRSA §12953, sub-§6, as amended by PL 2015, c. 281, Pt. F, §3, is further amended to read:

6. License and fee. License applicants who successfully meet the qualifications set forth in this section must be issued a license upon payment of a \$77 fee for a 3-year license. This fee is in addition to the

\$50 examination application fee required for a first-time applicant.

See title page for effective date.

CHAPTER 73

H.P. 534 - L.D. 754

An Act To Repeal or Clean Up Outdated Telecommunications Statutes

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

Sec. 1. 35-A MRSA §303, as amended by PL 1987, c. 613, §2, is further amended to read:

§303. Valuation of property for fixing rates

In determining just and reasonable rates, tolls and charges, the commission shall fix a reasonable value upon all the property of a public utility and upon an electric plant to the extent paid for by the utility on the premises of any of its customers, ~~which that~~ is used or required to be used in its service to the public within the State and a fair return on that property. In fixing a reasonable value, the commission shall give due consideration to evidence of the cost of the property when first devoted to public use and the prudent acquisition cost to the utility, less depreciation on each, and any other material and relevant factors or evidence, but the other factors ~~shall~~ may not include current value. In making a valuation, the commission may consult reports, records or other information available to it in the office of any state office or board.

This section does not apply to a price cap ILEC as defined in section 7102, subsection 6-A.

Sec. 2. 35-A MRSA §7101-B, sub-§2, as repealed and replaced by PL 2003, c. 101, §1, is repealed.

Sec. 3. 35-A MRSA §7101-B, sub-§3, as enacted by PL 1997, c. 259, §1, is repealed.

Sec. 4. 35-A MRSA §7101-B, sub-§4 is enacted to read:

4. Access rates. The commission shall ensure that intrastate access rates are just and reasonable and consistent with federal law. The commission may adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 5. 35-A MRSA §7303, as enacted by PL 1987, c. 141, Pt. A, §6, is repealed.

Sec. 6. 35-A MRSA §7304, as repealed and replaced by PL 1991, c. 54, §1 and affected by §2, is repealed.

Sec. 7. 35-A MRSA §7306, as enacted by PL 1991, c. 318, §1, is repealed.

Sec. 8. 35-A MRSA §7307, as amended by PL 2007, c. 478, §2, is repealed.

Sec. 9. 35-A MRSA §7308, as enacted by PL 2007, c. 511, §1, is repealed.

Sec. 10. 35-A MRSA §7501-B, as enacted by PL 2011, c. 623, Pt. A, §21, is amended to read:

§7501-B. Directories

A telephone utility is not required to publish a hard-copy telephone directory. ~~A~~ If a provider of provider of last resort service discontinues publishing a hard-copy directory, it shall annually offer its provider of last resort service customers the option to receive a telephone directory in an electronic format or in the form of a printout of the electronic database showing the names, addresses and telephone numbers of persons and businesses, other than of those who have requested unlisted numbers. The service provider shall annually provide notice to each of its provider of last resort service customers of this option.

See title page for effective date.

CHAPTER 74

S.P. 248 - L.D. 803

An Act To Improve Transparency in the Electricity Supply Market

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

Sec. 1. 35-A MRSA §3203, sub-§§4-B and 4-C are enacted to read:

4-B. Residential consumer protections. As a condition of licensing, a competitive electricity provider that provides or proposes to provide generation service to a residential consumer:

A. Shall disclose, before entering into an agreement to provide service to a residential consumer, to the residential consumer where the residential consumer can obtain information with which to compare the service provided by the competitive electricity provider and the standard-offer service;

B. May not renew a contract for generation service without providing a residential consumer with notice of renewal in advance by mail;

C. May not renew a contract for generation service at a fixed rate that is 20% or more above the contract rate in the expiring contract without the express consent of the residential consumer;

D. May not renew a contract for generation service for a term that is longer than the term of the