

# 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.**

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**Augusta, Maine**  
**2017**

\$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#### An Act To Repeal or Clean Up Outdated Telecommunications Statutes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**Sec. 2. 35-A MRSA §7101-B, sub-§2**, as repealed and replaced by PL 2003, c. 101, §1, is repealed.

**Sec. 3. 35-A MRSA §7101-B, sub-§3**, as enacted by PL 1997, c. 259, §1, is repealed.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

expiring contract or 12 months, whichever is shorter, without the express consent of the residential consumer; and

E. May not impose an early termination fee for any contract for generation service that was renewed without express consent from the residential consumer.

If a residential consumer does not provide the express consent required by paragraphs C and D, the residential consumer must be transferred to standard-offer service.

**4-C. Residential consumer protection through transmission and distribution utility bill information.** The monthly utility bill for a residential consumer that elects to receive generation service from a competitive electricity provider must contain the following:

A. A website address or other resource that residential consumers can access to obtain information that provides independent information as determined by the commission that allows residential consumers to compare terms, conditions and rates of electricity supply; and

B. A statement that directs the residential consumer to the competitive electricity provider for more information on the residential consumer's contract, including its terms, and that provides the telephone number of the competitive electricity provider.

**Sec. 2. Report.** The Public Utilities Commission in consultation with the Public Advocate shall conduct an analysis to determine the difference in price, if any, residential consumers paid for generation service by purchasing from a competitive electricity provider instead of receiving standard-offer service between 2014 and 2016. In evaluating any price difference, the Public Utilities Commission shall include, where possible, if and how the product purchased by the residential consumer differed from standard-offer service. The Public Utilities Commission shall report the findings of the analysis to the Joint Standing Committee on Energy, Utilities and Technology by February 15, 2018. The report may include recommendations. The joint standing committee may report out a bill based on the report to the Second Regular Session of the 128th Legislature.

See title page for effective date.

## CHAPTER 75

### S.P. 473 - L.D. 1386

#### An Act To Clarify the Public Nature of Annual Statements of Life Settlement Providers

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

**Sec. 1. 24-A MRSA §6806, sub-§1,** as amended by PL 2009, c. 376, §8, is further amended to read:

**1. Annual report.** A settlement provider licensee shall file with the superintendent by March 1st of each year an annual statement containing such information as the superintendent prescribes by rule, including information related to settlement transactions on policies settled within 5 years of policy issuance. The superintendent may not adopt any rule that requires the submission of information that permits the identification of a viator or relates to transactions when the viator is not a resident of this State. The superintendent may not request, collect or compile personal information that identifies any viator or insured except in connection with the investigation of a specific complaint and with the prior written permission of the viator or insured or the viator's or insured's estate or representative to collect that information. The annual statement required by this subsection and by rule of the superintendent is a public record within the meaning of Title 1, chapter 13, subchapter 1.

See title page for effective date.

## CHAPTER 76

### H.P. 395 - L.D. 553

#### An Act To Offer Hunters 65 Years of Age or Older Who Have Accumulated at Least 30 Points a Guaranteed Moose Permit

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** current law allows a resident 70 years of age or older who has accumulated the necessary number of points to be awarded a moose hunting permit without participating in the public chance lottery for a moose permit; and

**Whereas,** many residents 70 years of age and older are unable to hunt moose at that age; and

**Whereas,** residents 65 years of age and older are better able to hunt moose if awarded a moose hunting permit; and