

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

gram, including the date and time of the disclosure, the nature of the patient's emergency, the name of the facility or hospital where the disclosure occurred and the names of the health care professionals who accessed the records in the program. The department shall convene stakeholders to advise the department on the criteria for the enhancement of the program. Stakeholders must include representatives from methadone treatment clinics and providers of emergency services. The enhancement of the program must meet the requirements of the Maine Revised Statutes, Title 22, section 7250, subsection 7. The department shall, no later than January 30, 2018, provide a report to the Joint Standing Committee on Health and Human Services describing progress on implementing the enhancement required pursuant to this section.

Sec. 5. Contingent effective date. Those sections of this Act that enact the Maine Revised Statutes, Title 5, section 20047, subsection 3, Title 22, section 7249-A and Title 22, section 7250, subsection 7 take effect once the enhancement of the Controlled Substances Prescription Monitoring Program pursuant to section 4 of this Act is implemented. The Department of Health and Human Services shall notify the Revisor of Statutes that section 4 has been implemented.

Sec. 6. Consent form. A facility that provides methadone for the treatment of opioid dependency must provide a consent form as described in the Maine Revised Statutes, Title 22, section 7249-A for every patient no later than 180 days after the effective date of this Act.

See title page for effective date, unless otherwise indicated.

CHAPTER 244

H.P. 189 - L.D. 256

An Act To Ensure Continued Availability of High-speed Broadband Internet at Maine's Schools and Libraries

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

Sec. 1. 35-A MRSA §7104-B, sub-§2, as amended by PL 2011, c. 623, Pt. B, §20, is further amended to read:

2. Authority. Pursuant to the authority granted in section 7104 and in order to carry out the policy goals established by section 7101, subsections 1, 2 and 4, the commission shall establish a telecommunications education access fund, referred to in this section as the "fund," and require all voice network service providers providing service in the State ~~and any other~~

~~entities identified by the commission~~ to contribute to the fund. The fund must be available, with any accumulated interest, to qualified libraries, qualified schools and the Raymond H. Fogler Library at the University of Maine to assist in paying the costs of acquiring and using advanced telecommunications technologies.

Sec. 2. 35-A MRSA §7104-B, sub-§2-A, as enacted by PL 2011, c. 600, §6 and affected by §10, is amended to read:

2-A. Determination of amount of prepaid wireless telecommunications service fee. The commission shall determine by rule the amount of the fee on prepaid wireless telecommunications service that is required to be contributed to the fund. The commission shall limit the fee to no more than 21¢ per retail transaction established by multiplying \$25 by a percentage that is determined by the commission for purposes of calculating contributions to the fund by providers of intrastate telecommunications services. The fee must be rounded to the nearest penny. The fee may not be adjusted by the commission more frequently than once every 24 months. The collection of the fee is governed by section 7104-C. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. 35-A MRSA §7104-B, sub-§3, as amended by PL 2011, c. 623, Pt. B, §§21 to 23, is further amended to read:

3. Limitations; imposition. In carrying out the authority granted by subsection 2, the commission shall:

A. ~~Limit~~ With respect to the contributions for the fund required from voice network service providers other than prepaid wireless telecommunications service providers, limit the amount collected contributed to no more than 0.7% of retail charges for 2-way voice communications services as determined by the commission, excluding interstate tolls or interstate private line services; 21¢ per month per line or number, assessed as a monthly surcharge, to be levied on:

(1) Residential and business telephone exchange lines, including private branch exchange lines and Centrex lines;

(2) Interconnected voice over Internet protocol service; and

(3) Providers of mobile telecommunications services that are not providers of prepaid wireless telecommunications service.

The surcharge established in this paragraph may not be levied on more than 25 lines or numbers per customer billing account;

B. Ensure that the funds are collected in a competitively neutral manner;

C. Integrate the collection of the ~~charge~~ surcharge with any state universal service fund developed by the commission; and

D. 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 customer bills of ~~any charge~~ the surcharge imposed under this section.

Sec. 4. Report. The Department of Education and the Maine State Library shall jointly submit by January 15, 2018 to the Joint Standing Committee on Energy, Utilities and Technology a report containing the following:

1. A list of all recipients of money from the telecommunications education access fund established pursuant to the Maine Revised Statutes, Title 35-A, section 7104-B, referred to in this section as "the fund"; a description of the goods or services for which money from the fund was received, including the amount of money received by recipients for such goods or services; and whether the goods or services for which money from the fund was received were eligible for reimbursement through the federal E-rate program;

2. A description of the process used by recipients of money from the fund to select vendors for goods or services, including whether there was a competitive bidding process and, if so, whether the competitive bidding process included provisions for services that were compensated with money from a source other than the fund; and

3. A list of qualified schools and qualified libraries pursuant to Title 35-A, section 7104-B, subsection 2 and, with respect to each school or library location, the following information:

- A. The broadband capacity;
- B. The average daily broadband use;
- C. The amount received through the federal E-rate program to provide broadband access; and
- D. The amount received from the fund to provide broadband access.

Sec. 5. Prepaid wireless telecommunications service fee. Notwithstanding the prohibition under the Maine Revised Statutes, Title 35-A, section 7104-B, subsection 2-A on the Public Utilities Commission's adjusting the prepaid wireless telecommunications service fee more than once every 24 months, the Public Utilities Commission shall adjust the prepaid wireless telecommunications service fee to con-

form to Title 35-A, section 7104-B, subsection 2-A, as amended by this Act.

See title page for effective date.

CHAPTER 245

S.P. 483 - L.D. 1405

An Act To Require Remote Sellers To Collect and Remit Sales and Use Tax on Sales into Maine

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

Sec. 1. 36 MRSA §1951-B is enacted to read:

§1951-B. Collection of tax by remote sellers

1. Legislative findings. The Legislature finds that:

A. The inability to effectively collect the sales or use tax from remote sellers that deliver tangible personal property, a product transferred electronically or a service directly to the citizens of this State is seriously eroding the sales tax base of this State, causing revenue losses and imminent harm to this State through the loss of critical funding for state and local services;

B. Despite the fact that a use tax is owed on tangible personal property, a product transferred electronically or a service delivered for use in this State, many remote sellers actively market sales as "tax free" or "no sales tax" transactions;

C. The structural advantages of remote sellers, including the absence of point-of-sale tax collection, along with the general growth of online retail, could further erode this State's sales tax base in the near future;

D. Remote sellers that make a substantial number of deliveries into or have large gross revenues from Maine benefit extensively from this State's market, including the economy generally and state infrastructure;

E. In contrast with increasing harm caused to the State from the exemption from sales and use tax collection duties for remote sellers, the costs of that collection have fallen. Given modern computing and software options, it is neither unusually difficult nor burdensome for remote sellers to collect and remit sales and use taxes associated with sales into Maine; and

F. The Legislature recognizes that the imposition of this requirement places remote sellers in a complicated position, precisely because existing constitutional doctrine calls the imposition of this