

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

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

Augusta, Maine
2019

CHAPTER 422
S.P. 645 - L.D. 1746

**An Act To Ensure That
Low-income Residents of the
State Have Access to Telephone
Services**

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

Sec. 1. 25 MRSA §2927, sub-§1-D, as enacted by PL 2009, c. 400, §8 and affected by §15, is amended to read:

1-D. Funding. The activities authorized under this chapter are funded through:

A. The statewide E-9-1-1 surcharge under subsection 1-E levied on:

- (1) Each residential and business telephone exchange line, including private branch exchange lines and Centrex lines;
- (2) Semipublic coin and public access lines;
- (3) Customers of interconnected voice over Internet protocol service; and
- (4) Customers of cellular or wireless telecommunications service that is not prepaid wireless telecommunications service. A surcharge may not be levied under this subparagraph with respect to customers of cellular or wireless telecommunications service that is supported by federal universal service support funds pursuant to 47 Code of Federal Regulations, Part 54; and

B. The statewide prepaid wireless E-9-1-1 surcharge under subsection 1-F levied on prepaid wireless telecommunications service consumers. A surcharge may not be levied under this paragraph with respect to prepaid wireless telecommunications service supported by federal universal service support funds pursuant to 47 Code of Federal Regulations, Part 54, except that a surcharge may be levied under this paragraph on transactions in which the customer directly purchases optional services that are not supported by federal universal service support funds.

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

D. Ensure that any requirements regarding contributions to a state universal service fund be non-discriminatory and competitively neutral; ~~and~~

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

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; ~~and~~

Sec. 4. 35-A MRSA §7104, sub-§3, ¶H is enacted to read:

H. Ensure that any fees or surcharges established by or pursuant to this section are not imposed on revenues received from or on prepaid wireless telecommunications service transactions supported by federal universal service support funds pursuant to 47 Code of Federal Regulations, Part 54. This paragraph does not prohibit the imposition of fees or surcharges with respect to revenues received from consumers for optional services that are not supported by federal universal service support funds.

Sec. 5. 35-A MRSA §7104-B, sub-§3, ¶¶C and D, as amended by PL 2017, c. 244, §3, are further amended to read:

C. Integrate the collection of the 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 the surcharge imposed under this section; ~~and~~

Sec. 6. 35-A MRSA §7104-B, sub-§3, ¶F is enacted to read:

F. Ensure that any fees or surcharges established by or pursuant to this section are not imposed on revenues received from or on prepaid wireless telecommunications service transactions supported by federal universal service support funds pursuant to 47 Code of Federal Regulations, Part 54. This paragraph does not prohibit the imposition of fees or surcharges with respect to revenues received from consumers for optional services that are not supported by federal universal service support funds.

Sec. 7. 36 MRSA §1752, sub-§14, ¶B, as repealed and replaced by PL 2015, c. 494, Pt. A, §44, is amended to read:

B. "Sale price" does not include:

- (1) Discounts allowed and taken on sales;
- (2) Allowances in cash or by credit made upon the return of merchandise pursuant to warranty;
- (3) The price of property returned by customers, when the full price is refunded either in cash or by credit;

(4) The price received for labor or services used in installing or applying or repairing the property sold, if separately charged or stated;

(5) Any amount charged or collected, in lieu of a gratuity or tip, as a specifically stated service charge, when that amount is to be disbursed by a hotel, restaurant or other eating establishment to its employees as wages;

(6) The amount of any tax imposed by the United States on or with respect to retail sales, whether imposed upon the retailer or the consumer, except any manufacturers', importers', alcohol or tobacco excise tax;

(7) The cost of transportation from the retailer's place of business or other point from which shipment is made directly to the purchaser, provided that those charges are separately stated and the transportation occurs by means of common carrier, contract carrier or the United States mail;

(8) Any amount charged or collected by a person engaged in the rental of living quarters as a forfeited room deposit or cancellation fee if the prospective occupant of the living quarters cancels the reservation on or before the scheduled date of arrival;

(9) Any amount charged for the disposal of used tires;

(10) Any amount charged for a paper or plastic single-use carry-out bag; ~~or~~

(11) Any charge, deposit, fee or premium imposed by a law of this State; ~~or~~

(12) Federal universal service support funds that are paid directly to the seller pursuant to 47 Code of Federal Regulations, Part 54.

Sec. 8. 36 MRSA §2551, sub-§15, ¶D, as amended by PL 2007, c. 438, §54, is further amended to read:

D. The amount of any tax imposed by the United States or the State on or with respect to the sale of a service, whether imposed upon the seller or the consumer; ~~or~~

Sec. 9. 36 MRSA §2551, sub-§15, ¶E, as enacted by PL 2007, c. 438, §54, is amended to read:

E. The cost of transportation from the service provider's place of business or other point from which shipment is made directly to the purchaser, as long as those charges are separately stated and the transportation occurs by means of common carrier, contract carrier or the United States Postal Service; ~~or~~

Sec. 10. 36 MRSA §2551, sub-§15, ¶F is enacted to read:

F. Federal universal service support funds that are paid directly to the seller pursuant to 47 Code of Federal Regulations, Part 54.

Sec. 11. Commission may adjust fee. Notwithstanding the prohibitions under the Maine Revised Statutes, Title 35-A, section 7104, subsection 3-A and 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 may adjust the prepaid wireless telecommunications service fee if needed to conform to this Act.

Sec. 12. Effective date. This Act takes effect January 1, 2019.

Effective January 1, 2019.

CHAPTER 423

H.P. 1277 - L.D. 1835

An Act To Transfer Funds within the Department of Inland Fisheries and Wildlife

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 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable 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. Transfer; Inland Fisheries and Wildlife carrying account. Notwithstanding any other provision of law, the State Controller shall transfer \$300,000 by June 30, 2018 from the Inland Fisheries and Wildlife carrying account, General Fund account within the Department of Inland Fisheries and Wildlife to the Warden Service General Fund account within the Department of Inland Fisheries and Wildlife. These funds may be allotted by financial order upon recommendation of the State Budget Officer and approval of the Governor.

Sec. 2. Transfer; Inland Fisheries and Wildlife carrying account. Notwithstanding any