

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND THIRTIETH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 2020 to March 30, 2021**

**FIRST SPECIAL SESSION**  
**April 28, 2021 to July 19, 2021**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2021**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 18, 2021**

**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**  
**2021**

utility has engaged or is engaging in any act or practice in violation of any law or rule administered or enforced by the commission or any lawful order issued by the commission. A cease and desist order is effective when issued unless the order specifies a later effective date or is stayed pursuant to Title 5, section 11004; or

B. In an emergency, without hearing or notice, if the commission receives a written, verified complaint or affidavit showing that a competitive electricity provider or a transmission and distribution utility is selling electricity to retail consumers without being duly licensed or is engaging in conduct that creates an immediate danger to the public safety or is reasonably expected to cause significant, imminent and irreparable public injury. An emergency cease and desist order is effective immediately and continues in force and effect until further order of the commission or until stayed by a court of competent jurisdiction. In a subsequent hearing the commission shall in a final order affirm, modify or set aside the emergency cease and desist order and may employ simultaneously or separately any other enforcement or penalty provisions available to the commission.

**11. Restitution.** The commission may order restitution for any party injured by a violation for which a penalty may be assessed pursuant to this section.

**12. Enforcement.** The commission through its own counsel or through the Attorney General may apply to the Superior Court of any county of the State to enforce any lawful order made or action taken by the commission pursuant to this section. The court may issue such orders, preliminary or final, as it considers proper under the facts established before it.

**13. Notice to Attorney General.** If the commission has reason to believe that ~~any a~~ competitive electricity provider, 3rd-party sales agent or transmission and distribution utility has violated any provision of law for which criminal prosecution is provided and would be in order or any antitrust law of this State or the United States, the commission shall notify the Attorney General. The Attorney General shall promptly institute any actions or proceedings the Attorney General considers appropriate.

**13-A. Investigation.** The commission may investigate any matter relating to the provision of service by a competitive electricity provider or the actions of a 3rd-party sales agent undertaking the retail sale or marketing of electricity on behalf of a provider pursuant to this chapter. In conducting an investigation under this subsection, the commission shall use the procedures established under section 1303, subsection 2.

**14. Disconnection restricted.** A transmission and distribution utility may not disconnect service to a consumer due to nonpayment of generation charges or any

other dispute with a competitive electricity provider, except that the commission may permit disconnection of electric service to consumers of electricity based on nonpayment of charges for standard-offer service provided under section 3212.

**15. Standard billing.** The commission shall consider requiring standard billing information on bills for electric power service. If standard billing information is required, the commission shall investigate the possibility of adopting standards consistent with other New England states. The commission may not prohibit transmission and distribution utilities from contracting with generation service providers to include both entities' charges on a single bill. The commission may not preclude the inclusion of other information on bills for electric power service.

**16. Access to load data.** Upon request from a competitive electricity provider, the commission shall provide load data on a class basis that is in the possession of a transmission and distribution utility, subject to reasonable protective orders to protect confidentiality, if considered necessary by the commission.

**16-A. Customer information.** A transmission and distribution utility may not release any customer-specific information to a licensed competitive electricity provider unless the provider produces sufficient evidence, as defined by the commission by rule, that the provider has obtained the customer's authorization.

**17. Rules.** Except as otherwise provided in this section, rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

**18. Confidentiality of consumer information.** Information concerning customers of a competitive electricity provider or customers contacted or enrolled by any of its 3rd-party sales agents is subject to the same confidentiality protections afforded utility customer information under section 704, subsection 5.

See title page for effective date.

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**CHAPTER 109**

**H.P. 374 - L.D. 511**

**An Act Regarding Services  
Designed To Reduce the  
Number of So-called Robocalls  
and Automatically Dialed  
Telephone Calls**

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

**Sec. 1. 35-A MRSA §7105-A** is enacted to read:

**§7105-A. Automated telephone call reduction services**

Beginning January 1, 2022, a telephone utility that offers any service to subscribers in the State designed to reduce the number of calls received by a subscriber that are made using an automated telephone calling device or an artificial or prerecorded voice shall inform each subscriber as to the nature and cost of any such service offered and describe how the subscriber may elect to enroll in or take advantage of such service. Such information must be provided to a subscriber at the time the subscriber initiates service with the telephone utility and must be available on the telephone utility's website. A telephone utility shall offer any such service at a reasonably affordable cost to all subscribers in the State.

For the purposes of this section, "automated telephone calling device" has the same meaning as in Title 10, section 1498, subsection 1, paragraph A.

See title page for effective date.

**CHAPTER 110  
H.P. 442 - L.D. 606**

**An Act Regarding the Child Protection System**

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

**Sec. 1. 22 MRSA §4004, sub-§1, ¶C,** as amended by PL 1993, c. 294, §1, is further amended to read:

C. Cooperating and coordinating with other agencies, facilities or persons providing related services to families and children throughout the period of time the department is involved with a family and child;

**Sec. 2. 22 MRSA §4004, sub-§2, ¶B-1** is enacted to read:

B-1. Establish and maintain a policy that requires, to the greatest extent possible under applicable federal and state confidentiality laws, that caseworkers receive information throughout the period of time the department is involved with a family and child directly from any agencies, facilities or persons involved with or providing services to the family and child in order to:

- (1) Coordinate adequate access to resources for a family and child; and
- (2) Inform the ongoing risk and safety assessment of the child;

**Sec. 3. Report.** The Department of Health and Human Services, Office of Child and Family Services shall present the policy established pursuant to the

Maine Revised Statutes, Title 22, section 4004, subsection 2, paragraph B-1 to the Joint Standing Committee on Health and Human Services no later than March 1, 2022. The Joint Standing Committee on Health and Human Services is authorized to report out legislation relating to the Child and Family Services and Child Protection Act to the Second Regular Session of the 130th Legislature.

See title page for effective date.

**CHAPTER 111  
S.P. 244 - L.D. 630**

**An Act To Prohibit Shelf-stable Products from Being Sold as Cider**

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

**Sec. 1. 7 MRSA §543-A, sub-§1,** as enacted by PL 1999, c. 175, §1, is amended to read:

**1. Restriction on product labeled as cider.** A person may not sell, advertise, offer or expose for sale any product labeled as "cider" if that product does not require refrigeration from pressing through purchase or has been heated to a temperature of 155° Fahrenheit or higher for more than 10 seconds.

**Sec. 2. 7 MRSA §543-A, sub-§2,** as enacted by PL 1999, c. 175, §1, is amended to read:

**2. Accepted processing methods.** All cider sold, advertised, offered or exposed for sale must be ~~heat treated~~, treated by ultraviolet light or pressed under a state-approved hazard and critical control plan unless the cider bears a warning label in accordance with subsection 3. A state-approved hazard and critical control plan must prohibit the pressing of apples that have dropped from the trees for use in cider. ~~For the purposes of this section, "heat treated" means heated to a temperature of 155° Fahrenheit or higher for no more than 10 seconds.~~

**Sec. 3. 7 MRSA §543-A, sub-§4,** as enacted by PL 1999, c. 175, §1, is amended to read:

**4. Exemption.** ~~Hard cider as defined in Title 28-A, section 2, subsection 12-A~~ is exempt from this section. For purposes of this subsection, "hard cider" means liquor produced by fermentation of the juice of apples or pears, including, but not limited to, flavored, sparkling or carbonated cider, that contains not less than 1/2 of 1% alcohol by volume and "liquor" has the same meaning as in Title 28-A, section 2, subsection 16.

See title page for effective date.