

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 7, 2022 to March 30, 2023

FIRST SPECIAL SESSION
April 5, 2023 to July 26, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NONEMERGENCY LAWS IS
JUNE 29, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2023

section 117, subsection 3, paragraph B, subparagraph (6).

3. Rules. The commission shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

A. Rules adopted by the commission pursuant to this subsection must include, but are not limited to:

- (1) The process by which the commission will determine whether an intervenor or participant qualifies for funding;
- (2) Identification of which expenses incurred by an intervenor or participant may qualify for funding, which types of proceedings intervenor or participant funding will be available for and the point in an eligible proceeding at which an intervenor or participant qualifying for funding will be provided with the funding;
- (3) The process by which the commission will ensure that funding provided to an intervenor or participant is used properly and the process by which funding provided to an intervenor or participant that is not entirely used by the intervenor or participant may be recovered by the commission; and
- (4) The methods by which the commission will ensure that the public is notified about the availability of intervenor and participant funding under this section.

B. Rules adopted by the commission pursuant to this subsection may include, but are not limited to:

- (1) Establishment of a cap on the amount of funding that a qualified intervenor or participant may be provided in a commission proceeding;
- (2) Establishment of a process by which the commission will give priority under this section to qualified intervenors or participants representing environmental justice populations. If the commission establishes such a process by rule, the commission, in consultation with the Department of Environmental Protection, shall include in that rule a definition for "environmental justice populations" that is consistent with any definition for that term adopted by the department in a department rule; and
- (3) Any other provisions the commission determines necessary for the implementation of this section.

See title page for effective date.

CHAPTER 144
H.P. 247 - L.D. 396

An Act to Preserve the 207 Area Code and Impede So-called Robocalling

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

Sec. 1. 35-A MRSA §7104, sub-§1-A is enacted to read:

1-A. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "North American Numbering Plan Administrator" means a North American organization responsible for neutrally administering numbering resources in a Maine numbering plan area.

B. "Number placed in service" means an active 10-digit telephone number that is:

- (1) Compliant with the guidelines established by the North American Numbering Plan Administrator for use by a voice network service provider;
- (2) Has been assigned to an end user customer of the voice network service provider; and
- (3) Is capable of receiving voice traffic from, or originating voice traffic to, the public switched telephone network.

C. "Numbering plan area" has the same meaning as in 47 Code of Federal Regulations, Section 52.7(a) in effect on December 16, 2022.

D. "Numbering resources" means blocks of telephone numbers provided to authorized voice network service providers in a numbering plan area by the North American Numbering Plan Administrator.

E. "Voice network service provider" means a voice service provider that offers its subscribers the means to initiate or receive voice communications using the public switched telephone network and includes a provider of interconnected voice over Internet protocol service required to register with the commission pursuant to section 7110, subsection 2.

Sec. 2. 35-A MRSA §7104, sub-§3, as amended by PL 2017, c. 422, §§2 to 4 and affected by §12, is further amended to read:

3. Authority. The commission shall adopt rules to implement this section and may require voice network service providers using numbers placed in service for the State's numbering plan area from the North

American Numbering Plan Administrator or its successor to contribute to a state universal service fund to support programs consistent with the goals of applicable provisions of this Title and the federal Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56. A voice network service provider is not required to contribute to the state universal service fund for telephone numbers that are acquired by the provider but are not placed in service. Prior to requiring that voice network service providers contribute to a state universal service fund, the commission shall assess the telecommunications needs of the State's consumers and establish the level of support required to meet those needs. If the commission establishes a state universal service fund pursuant to this section, the commission shall contract with an appropriate independent fiscal agent that is not a state entity to serve as administrator of the state universal service fund. Funds contributed to a state universal service fund are not state funds. Rules and any state universal service fund requirements established by the commission pursuant to this section must:

- A. Be reasonably designed to maximize federal assistance available to the State for universal service purposes;
- B. Meet the State's obligations under the federal Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56;
- C. Be consistent with the goals of the federal Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56;
- D. Ensure that any requirements regarding contributions to a state universal service fund be nondiscriminatory and competitively neutral;
- 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
- 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.

~~For purposes of this section, "voice network service provider" means a voice service provider that offers its subscribers the means to initiate or receive voice communications using the public switched telephone network.~~ Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The commission may investigate a voice

network service provider to ensure compliance with this section.

Sec. 3. 35-A MRSA §7104-B, sub-§1, as amended by PL 2011, c. 623, Pt. B, §§18 and 19, is further amended to read:

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Qualified library" means a public library as defined in Title 27, section 110, subsection 10; a research center as defined in Title 27, section 110, subsection 12; or a library that provides free public access to all advanced telecommunications services available at that library and whose collection serves as a statewide resource, if the commission determines, in consultation with the Maine Library Commission, that including that library as a qualified library is in the public interest.

A-1. "North American Numbering Plan Administrator" has the same meaning as in section 7104, subsection 1-A, paragraph A.

A-2. "Number placed in service" has the same meaning as in section 7104, subsection 1-A, paragraph B.

A-3. "Numbering plan area" has the same meaning as in section 7104, subsection 1-A, paragraph C.

B. "Qualified school" means a public school as defined in Title 20-A, section 1, subsection 24; a private school approved under Title 20-A, section 2901 or 2951; or a school that provides free public access to all advanced telecommunications services available at that school, if the commission determines, in consultation with the Department of Education, that including that school as a qualified school is in the public interest.

D. "Voice network service provider" means a voice service provider that offers its subscribers the means to initiate or receive voice communications using the public switched telephone network and includes a provider of interconnected voice over Internet protocol service required to register with the commission pursuant to section 7110, subsection 2.

Sec. 4. 35-A MRSA §7104-B, sub-§2, as amended by PL 2017, c. 244, §1, 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,"~~ "the fund," and require all voice network service providers providing service in the State using numbers placed in service for the State's numbering plan area

from the North American Numbering Plan Administrator or its successor to contribute to the fund. A voice network service provider is not required to contribute to the fund for telephone numbers that are acquired by the provider but are not placed in service. 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.

The commission may investigate a voice network service provider to ensure compliance with this section.

Sec. 5. 35-A MRSA §7110 is enacted to read:

§7110. Registration requirements of interconnected voice over Internet protocol service provider

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "North American Numbering Plan Administrator" has the same meaning as in section 7104, subsection 1-A, paragraph A.

B. "Numbering resources" has the same meaning as in section 7104, subsection 1-A, paragraph D.

2. Registration. A provider of interconnected voice over Internet protocol service shall register with the commission in a manner prescribed by the commission prior to requesting numbering resources in the State. The registration must include:

A. Contact information for a representative of the provider responsible for regulatory and numbering matters; and

B. An acknowledgment that the provider of interconnected voice over Internet protocol service must file a notice with the commission at least 30 days before requesting numbers from the North American Numbering Plan Administrator or its successor.

When there is any change in the contact information required by paragraph A, a provider of interconnected voice over Internet protocol service shall update its registration information.

3. Information requests. A provider of interconnected voice over Internet protocol service registered under subsection 2 shall, upon the commission's request, provide the commission with detailed information relating to the distribution of numbering resources in the State, unless the interconnected voice over Internet protocol service provider is prohibited from doing so by state or federal privacy laws, rules or regulations.

4. Authority. The commission may exercise any authority provided to the states by 47 Code of Federal

Regulations, Part 52 in effect on December 16, 2022 in order to maximize numbering resources.

5. Rules. The commission may adopt rules to implement the requirements of this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

6. Enforcement. Failure of a provider of interconnected voice over Internet protocol service to comply with this section or any applicable commission rule is subject to administrative penalties under section 1508-A.

Sec. 6. Public Utilities Commission; report. No later than January 12, 2024, the Public Utilities Commission shall provide a report to the Joint Standing Committee on Energy, Utilities and Technology that:

1. Includes a summary of the compliance by voice network service providers, as defined in the Maine Revised Statutes, Title 35-A, section 7104, subsection 1-A, paragraph E, with the requirements of sections 7104 and 7104-B;

2. Contains an update of the commission's effort to preserve the 207 area code; and

3. Includes an analysis of whether additional efforts could be taken to ensure numbering resources, as defined in section 7104, subsection 1-A, paragraph D, are used efficiently.

The report may include recommendations for any legislation. The committee may report out a bill related to the report to the Second Regular Session of the 131st Legislature.

See title page for effective date.

CHAPTER 145

S.P. 195 - L.D. 414

An Act to Clarify the Provision of Notice of Proposed Rate Increases to Public Utility Customers

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

Sec. 1. 35-A MRSA §307, as amended by PL 1999, c. 398, Pt. A, §13 and affected by §§104 and 105, is further amended by enacting after the first paragraph a new paragraph to read:

A public utility seeking a general increase in rates shall send a notice of the increase to its customers by either first-class mail or the method by which the customer receives bills from the utility. The commission shall prepare the notice in consultation with the utility. If, after the notice of the general increase in rates is sent, the utility seeks a rate increase greater than what was