

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

SECOND REGULAR SESSION
January 3, 2024 to May 10, 2024

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SECOND REGULAR SESSION
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TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2024

**CHAPTER 514
H.P. 1240 - L.D. 1932**

**An Act to Require Broadband
Internet Access Service
Providers to Prorate Customer
Bills**

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

Sec. 1. 10 MRSA c. 237 is enacted to read:

CHAPTER 237

BROADBAND INTERNET ACCESS SERVICE

§1500-U. Broadband Internet access service

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

A. "Broadband Internet access service" or "service" means a mass-market retail service by wire that provides the capability to transmit data to and receive data from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the service, excluding dial-up Internet access service.

B. "Customer" means a current or former subscriber of broadband Internet access service.

C. "Provider" means a person that provides broadband Internet access service.

2. Service cancellation. A provider in the State shall provide a customer with a pro rata credit or rebate for the days of the monthly billing period after the cancellation of broadband Internet access service if that customer requests cancellation of service 3 or more working days before the end of the monthly billing period. A customer is not eligible to receive a pro rata credit or rebate under this subsection if the customer fails to return equipment of the provider related to the provision of broadband Internet access service.

3. Interruption of service. Except as otherwise provided in this subsection, if broadband Internet access service to a customer is interrupted for 6 or more consecutive hours in a single billing period, the provider shall, upon request by the customer, grant that customer a pro rata credit or rebate. To receive a pro rata credit or rebate, a customer must submit the request to the provider no later than 60 days after the end of the billing period in which the interruption occurred.

A customer is not eligible to receive a pro rata credit or rebate under this subsection for an interruption in broadband Internet access service if the interruption was caused by an act beyond the reasonable control of the provider, including, but not limited to:

A. A natural event, including, but not limited to, a fire, explosion, storm, hurricane, tornado, earthquake or flood;

B. The actions of a 3rd party not working on behalf of the provider, including, but not limited to, the operation of a motor vehicle or excavation activities; or

C. An interruption in service due to customer-owned equipment, customer wiring or the malfunction of equipment not owned by the provider on a utility pole.

4. Notice to customers. A provider shall include on each customer bill for broadband Internet access service a notice regarding the customer's right to a pro rata credit or rebate for interruption of service upon request in accordance with subsection 3 or cancellation of service in accordance with subsection 2. The notice must include a toll-free telephone number and a telephone number accessible by a teletypewriter device or TTY for contacting the provider to request the pro rata credit or rebate. The notice must be in nontechnical language, understandable by the general public and printed in a prominent location on the bill in boldface type.

5. Unfair trade practice violations. A violation of this chapter constitutes a violation of the Maine Unfair Trade Practices Act.

See title page for effective date.

**CHAPTER 515
H.P. 1302 - L.D. 2040**

**An Act to Restore the Board of
Dental Practice's Authority to
Issue Letters of Guidance**

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 does not allow the Board of Dental Practice to issue letters of guidance in matters not relating to complaints filed against licensees; and

Whereas, the board uses letters of guidance primarily to educate licensees in matters involving licensure applications and supervision responsibilities without filing formal complaints; and

Whereas, the board has many cases aging on its docket and requiring a formal complaint to be filed to resolve any matter necessitating a letter of guidance would reduce the efficiency of the board, take up more board staff time and prevent the board from addressing other matters; and

Whereas, the elimination of the board's authority in this regard was an error; 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. 24 MRSA §2510, sub-§2-A, as enacted by PL 1997, c. 680, Pt. D, §4, is amended to read:

2-A. Confidentiality of letters of guidance or concern. Letters of guidance or concern issued by the board pursuant to Title 10, section 8003, subsection 5, paragraph E, or Title 32, section 18325, subsection 3 are not confidential.

Sec. 2. 32 MRSA §18325, sub-§3 is enacted to read:

3. Letters of guidance. In addition to the authority conferred under Title 10, section 8003, subsection 5-A, the board may issue a letter of guidance or concern to a licensee or registrant. A letter of guidance or concern may be used to educate, reinforce knowledge regarding legal or professional obligations and express concern over action or inaction by the licensee or registrant that does not rise to the level of misconduct sufficient to merit disciplinary action. The issuance of a letter of guidance or concern is not a formal proceeding and does not constitute an adverse disciplinary action of any form. Notwithstanding any provision of law to the contrary, a letter of guidance or concern is not confidential. The board may place a letter of guidance or concern, together with any underlying complaint, report and investigation materials, in a licensee's or registrant's file for a specified amount of time, not to exceed 10 years. Any letters, complaints and materials placed on file may be accessed and considered by the board in any subsequent action commenced against the licensee or registrant within the specified time frame. Complaints, reports and investigation materials placed on file are only confidential to the extent that confidentiality is required pursuant to Title 24, chapter 21.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective February 29, 2024.

CHAPTER 516
H.P. 1309 - L.D. 2047

An Act to Increase the Expenditure Limit for Informal Bidding Processes and Update References to the Office of Procurement Services

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

PART A

Sec. A-1. 5 MRSA §1825-B, sub-§2, ¶F, as amended by PL 1999, c. 105, §2, is further amended to read:

F. The procurement of goods or services involves expenditures of \$10,000 \$25,000 or less, in which case the Director of the Bureau of General Services may accept oral proposals informal written quotes or bids; or

PART B

Sec. B-1. 1 MRSA §501-A, sub-§2, as enacted by PL 1997, c. 299, §1, is amended to read:

2. Production and distribution. The publications of all agencies, the University of Maine System and the Maine Maritime Academy may be printed, bound and distributed, subject to Title 5, sections 43 to 46. The State Purchasing Agent Chief Procurement Officer may determine the style in which publications may be printed and bound, with the approval of the Governor.

Sec. B-2. 1 MRSA §501-A, sub-§3, as amended by PL 2021, c. 549, §1, is further amended to read:

3. Annual or biennial reports. Immediately upon receipt of any annual or biennial report that is not included in the Maine State Government Annual Report provided for in Title 5, sections 43 to 46, the State Purchasing Agent Chief Procurement Officer shall deliver at least 4 copies of that annual or biennial report to the State Librarian for exchange and library use. The State Purchasing Agent Chief Procurement Officer shall deliver the balance of the number of each such report to the agency that prepared the report.

Sec. B-3. 1 MRSA §501-A, sub-§6, as enacted by PL 1997, c. 299, §1, is amended to read:

6. Forwarding of requisitions. The State Purchasing Agent Chief Procurement Officer, Central Printing central printing service and all other printing operations within State Government shall forward to the State Librarian upon receipt one copy of all requisitions for publications to be printed.