

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
118TH LEGISLATURE

SECOND REGULAR SESSION  
AND  
SECOND SPECIAL SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
UTILITIES AND ENERGY

MAY 1998

*MEMBERS:*

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*Sen. John J. Cleveland*  
*Sen. Philip E. Harriman*

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**ONE HUNDRED EIGHTEENTH LEGISLATURE**  
**SECOND REGULAR AND SECOND SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees**  
**May 1998**

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet ([www.state.me.us/legis/opla](http://www.state.me.us/legis/opla)).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

- CON RES XXX*..... Chapter # of Constitutional Resolution passed by both Houses
- CONF CMTE UNABLE TO AGREE*.....Committee of Conference unable to agree; bill died
- DIED BETWEEN BODIES*.....House & Senate disagree; bill died
- DIED IN CONCURRENCE*.....One body accepts ONTP report; the other indefinitely postpones the bill
- DIED ON ADJOURNMENT*.....Action incomplete when session ended; bill died
- EMERGENCY*.....Enacted law takes effect sooner than 90 days
- FAILED EMERGENCY ENACTMENT/FINAL PASSAGE*.....Emergency bill failed to get 2/3 vote
- FAILED ENACTMENT/FINAL PASSAGE*.....Bill failed to get majority vote
- FAILED MANDATE ENACTMENT*.....Bill imposing local mandate failed to get 2/3 vote
- INDEF PP*.....Bill Indefinitely Postponed
- ONTP*..... Ought Not To Pass report accepted
- OTP ND*..... Committee report Ought To Pass In New Draft
- OTP ND/NT*..... Committee report Ought To Pass In New Draft/New Title
- P&S XXX*..... Chapter # of enacted Private & Special Law
- PUBLIC XXX*..... Chapter # of enacted Public Law
- RESOLVE XXX*..... Chapter # of finally passed Resolve
- UNSIGNED*.....Bill held by Governor
- VETO SUSTAINED*.....Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

**LD 2083**

**An Act Relative to the Jurisdiction of the Public Utilities  
Commission over Nonutility Attachments to a Public Utility Plant**

**ONTP**

<u>Sponsor(s)</u> KONTOS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2083 proposed to require the Public Utilities Commission to adopt the formula of the Federal Communications Commission for the resolution of pole attachment rate disputes.

**LD 2093**

**An Act Relating to the Protection of Maine Consumers in the  
Telecommunications Market**

**PUBLIC 702  
EMERGENCY**

<u>Sponsor(s)</u> JONES K CAREY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-959
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LD 2093 proposed to prohibit the industry practice of "slamming," which involves the change of a consumer's telecommunications carrier without the consumer's prior authorization. The bill also proposed to authorize the Public Utilities Commission to adopt rules to supplement the slamming prohibition and to otherwise protect telecommunications consumers from deceptive practices in the telecommunications market. The bill proposed penalties for slamming and for any other similar activity prohibited by the commission by rule.

**Committee Amendment "A" (H-959)** proposed to replace the bill. The amendment proposed the following:

1. To provide protections against unauthorized changes of a customer's local or intrastate carrier ("slamming");
2. To require the Public Utilities Commission to adopt implementing rules consistent with rules of the Federal Communications Commission;
3. To allow the Public Utilities Commission to impose administrative penalties, to establish guidelines for the imposition of these penalties and to establish a cap on the amount of the penalty that may be imposed; and
4. To require a customer to pay the intrastate carrier from which the customer was illegally switched the carrier's charges for the customer's usage during the time the customer was served by an unauthorized carrier; the commission would be authorized to provide that the customer is not responsible for these charges if the Federal Communications Commission provides that customers are not responsible for the charges of interstate carriers during the time the customer was served by an unauthorized interstate carrier.

***Enacted law summary***

Public Law 1997, chapter 702 prohibits "slamming" (the unauthorized change of a consumer's telecommunications carrier). The law authorizes the Public Utilities Commission to adopt rules on slamming that are consistent with rules of the FCC. The law specifies penalties for slamming. Chapter 702 was enacted as an emergency measure effective April 3, 1998.