

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

FIRST REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
UTILITIES AND ENERGY**

JULY 1999

MEMBERS:

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Sen. Carol A. Kontos

Sen. Betty Lou Mitchell

Rep. Thomas M. Davidson, Chair

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Staff:

Jon Clark, Legislative Analyst

Office of Policy and Legal Analysis

Room 101/107/135, 13 State House Station

Augusta, ME 04333

(207)287-1670



Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

13 State House Station, Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

ONE HUNDRED NINETEENTH LEGISLATURE
FIRST REGULAR SESSION

Summary Of Legislation Before The Joint Standing and Select Committees
August 1999

We are pleased to provide this summary of all bills that were considered by the Joint Standing and Select Committees of the Maine Legislature this past session. 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 and select committees.

The document is organized for convenient reference to information on bills considered by the 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).

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:

CARRIED OVER.....Bill carried over to Second Regular Session
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
ENACTMENT FAILED..... Bill failed to get vote required for enactment or final passage
NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died
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 First Regular Session (unless otherwise specified in a particular law) is September 18, 1999.

Private and Special Law 1999, chapter 6 changes the lien procedure for the Topsham Sewer District to allow the enforcement of a lien any time after three months and before 18 months from the due date of any charge or assessment for which the district has a lien. The enforcement of liens for assessments due prior to the effective date of the bill are governed by the law in effect at the time the assessment came due.

LD 553 **An Act to Amend the Charter of the Kennebec Water District** **CARRIED OVER**

<u>Sponsor(s)</u> GAGNON CAREY		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 553 proposes to amend the charter of the Kennebec Water District to clarify provisions relating to trustee compensation and to restrict the outside activities of trustees in order to reduce potential conflicts of interest.

LD 554 **An Act to Provide Affordable Computer-based Information Networks** **ONTP**

<u>Sponsor(s)</u> SAMSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 554 proposed to provide that any telephone call made within a flat-rate, basic service calling area that is carried beyond the basic service calling area for the purpose of accessing the Internet or other computer-based information network is deemed to have terminated within the basic service calling area and the customer making the call must be billed at the basic service flat rate. The bill proposed to direct the Public Utilities Commission to adopt rules implementing this provision.

LD 570 **An Act Relating to the Protection of Maine Consumers in the Telecommunications Market** **PUBLIC 59 EMERGENCY**

<u>Sponsor(s)</u> DAVIDSON CAREY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-56
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LD 570 proposed to grant the Public Utilities Commission authority to protect the State's telecommunications consumers from the practice of "cramming." Cramming occurs when charges for an unauthorized service are placed on a consumer's telephone bill. The bill proposed to require a telephone utility to suspend collection efforts when a consumer alleges that a charge is unauthorized. Unless the provider of the service produced verification that the service was authorized by the consumer, the telephone utility would be required to remove the charges and refund any prior payments for that service. The bill also proposed to authorize the commission to protect consumers through imposition of an administrative fine on telecommunications utilities for violating a telecommunications consumer protection statute, rule or commission order. This bill was submitted on behalf of the Public Utilities Commission.

Committee Amendment "A" (H-56) proposed to replace the bill. The amendment proposed a series of changes to laws relating to the protection of Maine consumers in the telecommunications market.

Enacted law summary

Public Law 1999, chapter 59:

1. Requires service providers who bill for their services on a telephone utility's telephone bill to be registered with the Public Utilities Commission;
2. Requires billing aggregators who forward service provider's charges to telephone utilities for inclusion on the utilities' bills to be registered with the commission;
3. Exempts telephone utilities who are authorized to provide telephone service in Maine from the registration requirements;
4. Permits the Public Utilities Commission to revoke the registration of a service provider who charges customers for services not authorized by the customers or who engages in other false or deceptive practices;
5. Permits the Public Utilities Commission to revoke the registration of a billing aggregator who forwards charges of unregistered service providers to a telephone utility for inclusion on a customer's bill;
6. Requires billing agents, such as telephone utilities that bill on behalf of service providers, upon receiving a complaint from a customer, to suspend collecting for unauthorized services. The billing agent is required either to obtain evidence from the service provider that the services are in fact authorized or to remove the charges from the customer's bill and refund to the customer amounts paid during the prior six months or during any longer period during which the customer can prove the customer was billed;
7. Authorizes the Public Utilities Commission to impose administrative penalties of up to \$1,000 per violation for service providers who engage in cramming, service providers or billing agents who are not properly registered, billing agents who knowingly bill on behalf of unregistered service providers and billing agents that fail to comply with the procedures governing the handling of customer complaints regarding unauthorized services;
8. Requires the Public Utilities Commission to adopt routine technical rules implementing these provisions; the commission is required to submit its rules to the Joint Standing Committee on Utilities and Energy by January 1, 2000; and the committee is authorized to report out legislation on cramming; and
9. Prohibits the commission from enforcing any of these provisions until it adopts rules implementing the provisions.

Chapter 59 was enacted as an emergency measure effective April 9, 1999.

LD 580

An Act to Clarify the Voting Rights of Persons Residing in Certain Sanitary Districts

**PUBLIC 299
EMERGENCY**

<u>Sponsor(s)</u> GOLDTHWAIT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-260
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LD 580 proposed to provide that for any sanitary district whose territory does not extend beyond the boundaries of a single municipality and whose territory encompasses less than the entire area of the municipality:

1. Trustees must be elected at large by a plurality vote of the voters within the territory of the district; and
2. Trustees must be residents of the district.