

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
119TH LEGISLATURE**

**SECOND REGULAR SESSION**

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

**JULY 2000**

***MEMBERS:***

***Sen. Richard J. Carey, Chair***

***Sen. Carol A. Kontos***

***Sen. Betty Lou Mitchell***

***Rep. Thomas M. Davidson, Chair***

***Rep. Patrick Colwell***

***Rep. Charles C. LaVerdiere***

***Rep. Bruce S. Bryant***

***Rep. Monica McGlocklin***

***Rep. William R. Savage***

***Rep. Donald P. Berry, Sr.***

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***Rep. Richard H. Duncan***

***Rep. Richard W. Rosen***

***Staff:***

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**ONE HUNDRED NINETEENTH LEGISLATURE**  
**SECOND REGULAR SESSION**

**Summary Of Legislation Before The Joint Standing Committees**  
**July 2000**

We are pleased to provide this summary of 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](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
- 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 Second Regular Session (unless otherwise specified in a particular law) is August 11, 2000.

*David E. Boulter, Director*  
 Offices Located in the State House, Rooms 101 & 107

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS LIBBY	OTP-AM	H-938

LD 2586 proposed to create the Alfred Water District to allow it to acquire the properties, franchises, etc. of the Alfred Water Company.

**Committee Amendment "A" (H-938)** proposed to clarify that if the Alfred Water District acquires the plants, properties, franchises, rights and privileges owned by the Alfred Water Company, the district assumes and becomes responsible for all debts and liabilities of that company.

*Enacted law summary*

Private and Special Law 1999, chapter 77 creates the Alfred Water District and authorizes the district to acquire the plants, properties, franchises, rights and privileges owned by the Alfred Water Company.

Private and Special Law 1999, chapter 77 was enacted as an emergency measure effective April 10, 2000, subject to approval in a district referendum.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-998

LD 2591, reported by the Joint Standing Committee on Utilities and Energy pursuant to a joint order, proposed to amend the transient sales law with respect to telemarketers and to modify the law regarding the use of automated telephone calling devices. Specifically, the bill proposed:

1. to incorporate the Federal Trade Commission's Telemarketing Sales Rule into the transient sales law;
2. to prohibit a transient seller of consumer merchandise who is a telemarketer and who initiates telephone contact with a consumer from obtaining or submitting for payment a check, draft or other form of negotiable paper drawn on a consumer's checking, savings or bond or other account without the consumer's express, verifiable written authorization;
3. to prohibit a transient seller of consumer merchandise who is a telemarketer and who initiates telephone contact with a consumer from procuring the services of any professional delivery courier or other pick-up service to obtain immediate receipt or possession of a consumer's payment, unless the goods are delivered with the opportunity to inspect before any payment is collected;
4. to require a transient seller of consumer merchandise who is a telemarketer to obtain subscription listings of consumers who have arranged to be included on the Direct Marketing Association's do-not-

call list and prohibit, with a good faith exception, the telemarketer from calling consumers whose names are on the list; and

5. to repeal the registration requirement for users of automated telephone calling devices and to enact a new provision requiring the users of such devices to maintain transcripts of solicitation messages and to provide these transcripts to the Attorney General upon request.

**Committee Amendment "A" (H-998)** proposed the following changes to the bill:

1. To reduce the period a person using an automated telephone calling device must maintain a transcript of the call message from 36 months to 24 months;
2. To remove that portion of the bill prohibiting a transient telemarketer from obtaining payment from a consumer without written authorization from the consumer and to incorporate the Federal Trade Commission provisions that allow express, verifiable, oral authorization of payment;
3. To reduce the frequency with which a transient telemarketer must consult the do-not-call list of the Direct Marketing Association from quarterly to semiannually;
4. To create an exception to the prohibition on transient telemarketers calling consumers whose names appear on the do-not-call list of the Direct Marketing Association; the prohibition would not apply to sellers who have an established business relationship with the consumer at the time the call is made;
5. To make expressly clear that transient telemarketers are subject to and must comply with Maine's consumer solicitation sales law, which requires that sales initiated by a seller over the phone must be consummated in a written contract, that the writing must inform the consumer that the consumer can avoid the contract and allows the consumer to avoid the contract by sending notice to the seller's address, which must be printed on the contract.

#### ***Enacted law summary***

Public Law 1999, chapter 694 amends the transient sales law with respect to telemarketers and modifies the law regarding the use of automated telephone calling devices. It incorporates the Federal Trade Commission's Telemarketing Sales Rule into the transient sales law; prohibits, with certain exceptions, certain telemarketers from using a pick-up service to obtain immediate receipt of a consumer's payment; prohibits, with certain exceptions, certain telemarketers from calling consumers who have arranged to be included on the DMA's do-not-call list; repeals the registration requirement for users of automated telephone calling devices; requires the users of such devices to maintain transcripts of solicitation messages; and makes expressly clear that transient telemarketers are subject to and must comply with Maine's consumer solicitation sales law, which requires that sales initiated by a seller over the phone must be consummated in a written contract.