

# MAINE STATE LEGISLATURE

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*State Of Maine  
120th Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Utilities and Energy*

*August 2001*

**Members:**

*Sen. Norman K. Ferguson, Chair  
Sen. Sharon Anglin Treat  
Sen. David L. Carpenter*

*Rep. William R. Savage, Chair  
Rep. Monica McGlocklin  
Rep. Albion D. Goodwin  
Rep. Lawrence Bliss*

*Rep. Christopher G. L. Hall  
Rep. Peter L. Rines  
Rep. Donald P. Berry, Sr.  
Rep. Richard H. Duncan  
Rep. Royce W. Perkins  
Rep. Richard A. Crabtree*

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**Maine State Legislature**  
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**120th Legislature**  
**First Regular Session**

**Summary Of Legislation Before The Joint Standing Committees**  
**August 2001**

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 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:

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
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 First Regular Session (unless otherwise specified in a particular law) is **September 21, 2001**.

**David E. Boulter, Director**  
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# Joint Standing Committee on Utilities and Energy

**LD 585**

**An Act Concerning Telemarketing**

**PUBLIC 276**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY	OTP-AM MAJ	S-123 MILLS
COLWELL	ONTP MIN	S-173 MILLS
		S-91

LD 585 proposed to remove telemarketers from the provisions of Maine's consumer solicitation sales laws that require the contents of any telemarketer's contract be in writing, provide that the consumer has a right of avoidance and require that the telemarketer comply with transient sellers requirements, including the requirement that a telemarketer not call persons who have put their name on the Direct Marketing Association do-not-call list.

**Committee Amendment "A" (S-91)**, which is the majority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill and amend the title to reflect the changes to the bill. This amendment proposed to exempt affiliates and agents of supervised lenders, to the extent they are selling or offering to sell the services of the supervised lender, from the provisions of the law relating to transient sellers of consumer merchandise. It also proposed to exempt supervised lenders and their affiliates and agents, to the extent they are selling or offering to sell the services of the supervised lender, from the law relating to consumer solicitation sales.

**Senate Amendment "A" to Committee Amendment "A" (S-122 )** proposed to amend the committee amendment by removing the exemption from the laws governing consumer solicitation sales by a supervised lender or an agent or affiliate of a supervised lender to include only the sale of a credit card.

**Senate Amendment "B" to Committee Amendment "A" (S-123)** proposed to amend the committee amendment by refining the exemption from the laws governing transient sales by an agent or affiliate of a supervised lender.

**Senate Amendment "C" to Committee Amendment "A" (S-124)** proposed to amend the committee amendment by refining the exception from the consumer solicitation sales law. This amendment proposed to exempt supervised lenders selling credit cards from that law, provided the sales are not completed during the initial contact with the consumer but are completed only after the consumer undertakes an affirmative act indicating the consumer's acceptance of the terms of the sale, such as initiating a call to activate the credit card.

**Senate Amendment "D" to Committee Amendment "A" (S-165)** proposed to amend the committee amendment by exempting supervised lenders and their affiliates and agents from the consumer solicitation sales law only to the extent that they are selling credit services and the transaction requires a separate, additional affirmation by the consumer.

**Senate Amendment "E" to Committee Amendment "A" (S-173)** proposed to amend the committee amendment to provide that lenders and their affiliated telemarketing firms are exempt from the consumer solicitation sales law only to the extent that they are selling credit services and that the transaction requires an acceptance initiated by the consumer.

## Joint Standing Committee on Utilities and Energy

### *Enacted law summary*

Public Law 2001, chapter 276 exempts lenders and their affiliated telemarketing firms from the consumer solicitation sales law to the extent that they are selling credit services and that transaction requires an acceptance initiated by the consumer.

**LD 620**

**An Act to Amend the Charter of the Gray Water District**

**P & S 11**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOSTER KILKELLY	OTP-AM	H-86

LD 620 proposed to clarify the election procedures of the Gray Water District.

**Committee Amendment "A" (H-86)** proposed to make clear that the terms of the current trustees of the Gray Water District are not affected by this bill.

### *Enacted law summary*

Private and Special Law 2001, chapter 11 clarifies the election procedures of the Gray Water District and makes clear that the terms of the current trustees of the Gray Water District are not affected.

**LD 637**

**An Act to Amend the Charter of the Portland Water District to Conform to Changes in the Municipal Election Date for the City of Portland**

**P & S 7  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUMMINGS	OTP	

In November 2000, the City of Portland changed the date of its municipal elections from May to November. LD 637 proposed to make a conforming change in the charter of the Portland Water District with respect to trustees elected from the City of Portland.