

MAINE STATE LEGISLATURE

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*State Of Maine
120th Legislature*

Second Regular Session

Bill Summaries

*Joint Standing Committee
on
Utilities and Energy*

May 2002

Members:

*Sen. Norman K. Ferguson, Jr., 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
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Rep. Richard A. Crabtree*

Staff:

Jon Clark, Senior Analyst

*Office of Policy and Legal Analysis
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

120th Legislature
Second Regular Session

Summary Of Legislation Before The Joint Standing Committees
May 2002

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 arranged alphabetically by committee name 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:

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
PASSED	Joint Order passed in both bodies
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 July 25, 2002.

Patrick T. Norton, Interim Director
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Utilities and Energy

LD 2041

An Act to Control Internet "Spam"

**DIED BETWEEN
BODIES**

Sponsor(s)
GOODWIN
FERGUSON

Committee Report
OTP-AM

Amendments Adopted

LD 2041 proposed to restrict unsolicited commercial e-mail, defined as e-mail that is sent for the purpose of advertising or conveying real property, goods or services or extending credit, soliciting contributions or broadcasting a political or social message, by requiring the e-mail to contain a valid toll-free telephone number, return e-mail address and return postal address maintained by the sender to which the recipient may respond indicating that the recipient does not wish to receive further unsolicited commercial e-mail from the sender. The restriction would not apply to e-mail sent to persons with whom the sender has a prior relationship or who have requested the information from the sender. The bill proposed to require unsolicited commercial e-mail to include labels in the subject line so that recipients are made aware that the e-mail is an unsolicited commercial e-mail and whether it contains material suitable only for adults. Sending unsolicited commercial e-mail in violation of these requirements would be considered an unfair trade practice. The bill proposed that all these provisions would be repealed in the event that federal legislation is enacted that prohibits or regulates unsolicited commercial e-mail.

Committee Amendment "A" (H-906) proposed to replace the bill. This amendment proposed to preserve the main provisions of the original bill but clarify and modify some of the language and add some new provisions. Specifically, the amendment proposed to:

1. Modify the definition of "unsolicited commercial e-mail" to remove reference to social and political commentary and to exclude e-mail from an e-mail service provider if the service provider has an agreement with the recipient allowing the sending of advertisements in exchange for free e-mail service;
2. Require a person sending unsolicited commercial e-mail to provide in the e-mail a valid return e-mail address or Internet website through which the recipient may decline further such e-mail but remove from the bill the requirements that the sender provide a U.S. postal address and a toll-free telephone number;
3. Require unsolicited commercial e-mail to include appropriate labels in the subject line so that recipients are made aware that the e-mail is an unsolicited commercial e-mail and whether it contains material suitable only for adults;
4. Provide that violations of these provisions constitute unfair trade practices enforceable by the Attorney General and also provide for civil actions for injunctive relief and monetary damages of up to \$500 for violations that may be brought by recipients of the e-mails and injunctive relief and monetary damages of up to \$1,000 for violations brought by e-mail service providers;
5. Remove from the bill the provision that would repeal the law upon enactment of federal law on unsolicited commercial e-mail; and
6. Add a fiscal note to the bill.

Senate Amendment "A" (S-584) proposed to replace the bill. The amendment proposed to preserve certain portions of the bill, to modify other portions and to add new provisions. Specifically, the amendment proposed to:

Joint Standing Committee on Utilities and Energy

1. Add a definition of "commercial e-mail" limiting it to email that primarily advertises or promotes the commercial availability of a product or service for profit or invites recipient to view Internet site operated primarily for commercial purposes; the definition would exclude e-mail from an e-mail service provider if the service provider has an agreement with the recipient allowing the sending of advertisements in exchange for free e-mail service;
2. Add a new definition of "unsolicited commercial e-mail" to exclude any email to a recipient who had given permission to the sender to send such email or who had any business relationship with the sender in the last 5 years, unless the recipient had requested not to receive such emails;
3. Remove from the bill the requirement that unsolicited commercial e-mail include a label in the subject line so that recipients are made aware that the e-mail is an unsolicited commercial e-mail; it proposed to preserve the requirement that a label be included if the email contains material suitable only for adults;
4. Require a person sending commercial e-mail to provide in the e-mail a valid return e-mail address or Internet website through which the recipient may decline further such e-mail but remove from the bill the requirements that the sender provide a U.S. postal address and a toll-free telephone number;
5. Provide that violations of these provisions constitute unfair trade practices enforceable by the Attorney General and also provide for civil actions for injunctive relief and monetary damages of up to \$600 for violations that may be brought by recipients of the e-mails and injunctive relief and monetary damages of up to \$1,000 for violations brought by e-mail service providers;
6. Remove from the bill the provision that would repeal the law upon enactment of federal law on unsolicited commercial e-mail; and
7. Provide that an e-mail service provider is not liable for any commercial e-mail it didn't initiate.

Senate Amendment "A" to Committee Amendment "A" (S-520) proposed to amend the committee amendment with a net effect substantively identical to Senate Amendment "A" (S-584), except that it did not propose to increase the monetary damages in civil actions brought by recipients of emails from \$500, as proposed in the committee amendment, to \$600, as proposed in Senate Amendment "A" (S-584).

LD 2073

An Act to Amend the Charter of the Portland Water District for the Purpose of Redistricting Trustee Representation to Reflect 2000 Census Data

**P & S 56
EMERGENCY**

Sponsor(s)
MCLAUGHLIN
PENDLETON

Committee Report
OTP-AM

Amendments Adopted
H-818

LD 2073 proposed to amend the charter of the Portland Water District to reapportion the 11 trustees among the 10 member communities based on 2000 census data. The reapportionment would be phased in as the terms of current trustees expire beginning in November 2002.