

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Utilities and Energy*

May 2004

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Members:

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Sen. Lynn Bromley
Sen. Edward M. Youngblood*

*Rep. Lawrence Bliss, Chair
Rep. Herbert Adams
Rep. Albion D. Goodwin
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Maine State Legislature



*Office Of Policy And Legal Analysis
Office Of Fiscal And Program Review*

*121st Maine Legislature
Second Regular Session and
Second Special Session*

Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint 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/billsumm.htm).

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
- 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 that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

David C. Elliott, Director
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reductions or credits. It preserves the current law's requirement that if a utility over-collects under its allowance for 3 consecutive years, it must notify its ratepayers and hold a public hearing. It provides that such notice to ratepayers must be provided no later than July 1st of the calendar year following the 3rd consecutive year of over-collection. It also removes or changes, as appropriate, references to the contingency fund in other sections of law.

LD 1751

An Act To Create Consistency between State and Federal Telephone Consumer Protection Laws

PUBLIC 530

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

LD 1751 proposed to amend the so-called “slamming law” that protects consumers from the unauthorized initiation (change) of service by a local or intrastate interexchange carrier. The bill proposed to correct a cross reference to telemarketing laws which were reallocated to a new subchapter in Title 32 by Public Law 2001, chapter 324; to clarify that electronic authorization of service initiation is allowed (Title 10 section 9407 allows this; it is also consistent with federal “slamming” rules); to require carriers to retain records for 24 months rather than 12 months, consistent with recent changes to federal rules; to remove a requirement that an interexchange carrier who slams a customer transfer that customer back to the customer’s original carrier (this function is in fact carried out by the original carrier or through the PUC); and to remove reference to a federal rule repealed in 1999.

Enacted Law Summary

Public Law 2003, chapter 530 amends the so-called “slamming law” that protects consumers from the unauthorized initiation (change) of service by a local or intrastate interexchange carrier. It corrects a cross reference to telemarketing laws that were reallocated by Public Law 2001, chapter 324 to a new subchapter in Title 32; clarifies that electronic authorization of service initiation is allowed (Title 10 section 9407 allows this -- it is also consistent with federal “slamming” rules); requires carriers to retain records for 24 months rather than 12 months, consistent with recent changes to federal rules; removes a requirement that an interexchange carrier who slams a customer transfer that customer back to the customer’s original carrier (this function is in fact carried out by the original carrier or through the PUC); and removes reference to a federal rule repealed in 1999.

LD 1819

An Act To Implement the Recommendations of the Study Group To Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals

PUBLIC 553

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ OTP-AM MIN	S-396

LD 1819 included the legislative recommendations of the Study Group to Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals.

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Part A proposed to amend the law relating to the Telecommunications Equipment Fund administered by the Department of Labor, Bureau of Rehabilitation Services, Division of Deafness. Part A proposed to expand the use of the fund to include equipment used to provide or facilitate notice of emergencies to deaf and hard-of-hearing persons and for training related to such equipment. It also proposed to change the name of the fund to reflect this expansion. It also proposed to repeal an obsolete provision relating to the provision of up to 50% of the cost of specialized customer telecommunications equipment under certain circumstances to an organization or municipality. Part A proposed to increase the telecommunications carrier assessment to cover the costs associated with providing equipment to facilitate notice of emergencies to deaf and hard-of-hearing persons and for training related to such equipment

Part B proposed to establish a new tax incentive for entities that sponsor closed captioning, open captioning or other methods of visual presentation of audio information for persons who are deaf or hard-of-hearing. The amount of the sponsorship would be subtracted from the taxable income of the entity.

Part C proposed to establish as the policy of the State the encouragement of a communications system that involves seamless, integrated, robust and redundant means of communication that enable rapid contact with first responders, ensure emergency alert notification to all affected persons in the State, including at-risk populations such as the hearing or visually impaired, and enhance homeland security.

Committee Amendment "A" (S-396), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to do the following.

1. It proposed to transfer the funding source for the Communications Equipment Fund from an assessment made by the Department of Labor, Bureau of Rehabilitation Services to the universal service fund administered by the Public Utilities Commission.
2. It proposed to preserve the current \$85,000 annual total collections from telecommunications service providers to support the Communications Equipment Fund but permit the commission to transfer amounts otherwise available in the universal service fund to the Communications Equipment Fund, up to a total of \$122,500 in any year, if the Communications Equipment Fund fails to receive adequate funding from federal or other sources to carry out its purposes.
3. It proposed to remove from the bill Part B, which proposed to create a tax exemption for sponsorship of closed captioning.
4. It proposed to require the Department of Labor, Bureau of Rehabilitation Services to apply for grants of federal homeland security funds administered by the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency to support the purposes of the Communications Equipment Fund.
5. It proposed to require the Maine Emergency Management Agency to provide a report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 1, 2005 detailing the amount of homeland security funding that has been provided to support the purposes of the Communications Equipment Fund and access to emergency alert and news services for persons with disabilities, including persons who are blind.
6. It also proposed to add an appropriations and allocations section.

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Committee Amendment "B" (S-397), which was the minority report of the Joint Standing Committee on Utilities and Energy, proposed to amend Part A to provide funding from the E-9-1-1 fund to the Telecommunications Equipment Fund, renamed the Communications Equipment Fund under the bill. These additional funds would be used to purchase text-message pagers for persons who are deaf or hard-of-hearing. This amendment also proposed to remove Part B and Part C of the bill.

Enacted Law Summary

Public Law 2003, chapter 553 is based on certain legislative recommendations of the Study Group to Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals.

Public Law 2003, chapter 553 amends the law relating to the Telecommunications Equipment Fund administered by the Department of Labor, Bureau of Rehabilitation Services, Division of Deafness. It expands the use of the fund to include equipment used to provide or facilitate notice of emergencies to deaf and hard-of-hearing persons and for training related to such equipment. It also changes the name of the fund to the Communications Equipment Fund to reflect this expansion. It transfers the funding source for the Communications Equipment Fund from an assessment on telecommunications service providers made by the Department of Labor, Bureau of Rehabilitation Services to the universal service fund administered by the Public Utilities Commission (which is also funded by an assessment on telecommunications service providers). It preserves the current \$85,000 annual total collections from telecommunications service providers to support the Communications Equipment Fund but permits the commission to transfer amounts that may otherwise be available in the universal service fund to the Communications Equipment Fund, up to a total of \$122,500 in any year, if the Communications Equipment Fund fails to receive adequate funding from federal or other sources to carry out its purposes.

Public Law 2003, chapter 553 requires the Department of Labor, Bureau of Rehabilitation Services to apply for grants of federal homeland security funds administered by the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency to support the purposes of the Communications Equipment Fund. It requires the Maine Emergency Management Agency to provide a report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 1, 2005 detailing the amount of homeland security funding that has been provided to support the purposes of the Communications Equipment Fund and access to emergency alert and news services for persons with disabilities, including persons who are blind.

Public Law 2003, chapter 553 repeals an obsolete provision relating to the provision of up to 50% of the cost of specialized customer telecommunications equipment under certain circumstances to an organization or municipality.

Finally, it establishes as the policy of the State the encouragement of a communications system that involves seamless, integrated, robust and redundant means of communication that enable rapid contact with first responders, ensure emergency alert notification to all affected persons in the State, including at-risk populations such as the hearing or visually impaired, and enhance homeland security.