

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON UTILITIES AND
ENERGY**

July 2007

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STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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 (or Accepted ONTP report).....	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 non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Utilities and Energy

LD 420 An Act Providing for Regulation of the Cable Television Industry by the ONTP
Public Utilities Commission

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY	ONTP	

This bill subjects basic tier service rates and services of cable television systems to regulation by the Public Utilities Commission. The bill also establishes hearing and complaint procedures for rate increases or product or service changes by a cable television system operator and directs the Public Utilities Commission, on petition of 25 or more customers, to petition the Federal Communications Commission to address any increases or changes if the Public Utilities Commission finds them to be unreasonable.

LD 435 An Act To Require Utilities and Competitive Service Providers To Pay CARRIED OVER
Interest on Overestimates of Electric

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J		

This bill directs the Public Utilities Commission to adopt routine technical rules that require transmission and distribution utilities and competitive service providers to pay customers accrued interest of 5% on any amount billed for overestimated usage resulting from an estimated electric power bill.

This bill was carried over by H.P. 1369 to any special or regular session of the 123rd Legislature.

LD 498 An Act To Limit the Charges for a Lost Cell Phone ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRESSEY	ONTP	

This bill prohibits a wireless telecommunications provider from charging more than \$50 in wireless telephone service charges for a lost or stolen cellular telephone after the telephone has been reported lost or stolen.

LD 536 An Act To Promote Efficiency in the Use of the Communications PUBLIC 224
Equipment Fund EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS	OTP-AM	H-294

This bill makes changes to the funding levels for specific programs under the Communications Equipment Fund while preserving the total annual amount available to the Communications Equipment Fund at the amount authorized for fiscal year 2007-08 and subsequent years, which is \$242,500. The Communications Equipment Fund receives money from the state universal service fund to provide communications equipment and related services to deaf, hard-of-hearing and speech-impaired persons and persons with disabilities. The bill increases from \$122,500 to \$185,000 the maximum annual funding for communications equipment purposes, including purchase, lease, distribution, maintenance and repair of specialized equipment, and clarifies that this funding may be used for associated administrative costs. The bill decreases from \$120,000 to \$57,500 the maximum annual funding for the

Joint Standing Committee on Utilities and Energy

discount program for emergency alert telecommunications services for low-income persons who are deaf or hard-of-hearing. The bill also expands the technology covered by the discount program to include one-way pagers, in addition to two-way pagers and wireless telecommunications devices, and requires that the discount for one-way pagers be equal to the monthly service charge.

Committee Amendment "A" (H-294)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2007, chapter 224 makes changes to the funding levels for specific programs under the Communications Equipment Fund while preserving the total annual amount available to the Communications Equipment Fund at the amount authorized for fiscal year 2007-08 and subsequent years, which is \$242,500. The Communications Equipment Fund receives money from the state universal service fund to provide communications equipment and related services to deaf, hard-of-hearing and speech-impaired persons and persons with disabilities. This law increases from \$122,500 to \$185,000 the maximum annual funding for communications equipment purposes, including purchase, lease, distribution, maintenance and repair of specialized equipment, and clarifies that this funding may be used for associated administrative costs, and it decreases from \$120,000 to \$57,500 the maximum annual funding for the discount program for emergency alert telecommunications services for low-income persons who are deaf or hard-of-hearing. The law also expands the technology covered by the discount program to include one-way pagers, in addition to two-way pagers and wireless telecommunications devices, and requires that the discount for one-way pagers be equal to the monthly service charge.

Public Law 2007, chapter 224 was enacted as an emergency measure effective June 4, 2007.

LD 547 An Act To Create Fairness in E-9-1-1 Funding

PUBLIC 68

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITS	OTP-AM	H-57

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to amend the current law to require the prepaid wireless and the broadband markets of telephone service to collect funding for E-9-1-1 services.

Committee Amendment "A" (H-57)

This amendment replaces the bill. It amends the law governing the funding of the E-9-1-1 system in the following ways.

1. It clarifies that prepaid wireless telephone service, as a type of cellular or wireless telecommunications service, is subject to the monthly statewide E-9-1-1 surcharge.
2. It specifies 3 methods for providers of prepaid wireless telephone service to collect the statewide E-9-1-1 surcharge as follows: (a) collect the surcharge from each customer whose account balance is equal to or greater than the amount of the surcharge, (b) collect the surcharge from the customer at the point of sale or (c) collect the surcharge indirectly by calculating the total surcharged owed by dividing its monthly intrastate revenue by average revenue per user and multiplying the result by the amount of the surcharge.
3. It adds interconnected voice over Internet protocol service as a type of telephone service subject to the statewide E-9-1-1 surcharge, and it amends the provision of the E-9-1-1 law regarding tort liability for telecommunications providers to grant interconnected voice over Internet protocol providers the same treatment as other telecommunications service providers.