

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

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>
FITTS	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.

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4. It requires the Public Utilities Commission to adopt rules to implement the provisions of the E-9-1-1 funding law and to report to the joint standing committee of the Legislature having jurisdiction over telecommunications matters no later than January 15, 2009 regarding the collection of the E-9-1-1 surcharge on prepaid wireless telephone service and interconnected voice over Internet protocol service.

Enacted Law Summary

Public Law 2007, chapter 68 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.
4. It requires the Public Utilities Commission to adopt rules to implement the provisions of the E-9-1-1 funding law and to report to the joint standing committee of the Legislature having jurisdiction over telecommunications matters no later than January 15, 2009 regarding the collection of the E-9-1-1 surcharge on prepaid wireless telephone service and interconnected voice over Internet protocol service.

LD 593 Resolve, To Establish a Second Public Safety Answering Point for Kennebec County

INDEF PP

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

This resolve requires the Public Utilities Commission to amend the rules for the E-9-1-1 system to require 2 public safety answering points in Kennebec County and require that one of those points be located in Waterville. Under current rules, there may be no more than one public safety answering point in Kennebec County.

Committee Amendment "A" (S-152)

This amendment (not adopted) specifies that the requirement in the bill for 2 public safety answering points in Kennebec County, including one in Waterville, will be in effect until October 31, 2011.

The Joint Standing Committee on Utilities and Energy, by letter dated 6/20/07, requested that the Office of Program Evaluation and Government Accountability conduct an audit of the Department of Public Safety, Regional Communications Centers, with particular attention to the Central Maine Regional Communications Center.

Senate Amendment "B" (S-282)

This amendment (not adopted) eliminates the requirement that the Public Utilities Commission amend its rules to require 2 public safety answering points in Kennebec County and instead delays implementation of the consolidation of public safety answering points in Kennebec County until the resolution of issues concerning software