

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR AND FIRST SPECIAL SESSIONS



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

**JOINT STANDING COMMITTEE ON UTILITIES AND
ENERGY**

May 2008

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STAFF:

LUCIA A. NIXON, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR & FIRST SPECIAL SESSIONS



**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 Second Regular or First Special Sessions of the 123rd Maine Legislature.

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:

<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session (R2) is June 30, 2008. The effective date for non-emergency legislation enacted in the First Special Session (S1) is July 18, 2008.¹ The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills. Any bill summarized in this document having an LD number less than 1932 was a bill carried over from the First Regular Session of the 123rd Legislature.

¹ The session in which each law was enacted or finally passed (R2 or S1) is included in Appendix C.

Joint Standing Committee on Utilities and Energy

calling service of an increase in the rate charged for that service before that consumer purchases additional service from that provider by telephone or on the Internet and to notify a consumer of the prepaid calling service if that provider charges different rates for in-state and interstate service.

LD 2182 An Act To Allow Civil Penalties for Damaging Utility Property or for Theft of Utility Services

**PUBLIC 553
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS BARTLETT	OTP-AM MAJ ONTP MIN	H-778

This bill establishes a civil penalty of \$2,500 per offense for theft of utility services or for damaging or tampering with utility property. The penalty may be assessed only following a successful civil action by the utility in a court of competent jurisdiction.

Committee Amendment "A" (H-778)

This amendment is the majority report of the committee. The amendment makes the following changes to the bill:

1. It redrafts the statutes governing civil liability for theft of utility services and damages to utility property to remove references to the Maine Revised Statutes, Title 17-A, the Maine Criminal Code, and replaces those references with language describing the actions that give rise to the civil liability. This clarifies that liability for damages and the civil penalty in a civil action are not dependent on criminal prosecution;
2. It adds civil liability for wrongfully obtaining utility property;
3. It adds liability for interest on the cost of utility services wrongfully obtained at an annual interest rate of 5%; and
4. It changes the civil penalty amount from a fixed \$2,500 per offense to an amount not to exceed \$2,500, to allow the judge to set the penalty based on the circumstances.

Enacted Law Summary

Public Law 2007, chapter 553 amends the statutes governing civil liability for theft of utility services and damages to utility property to remove references to the Maine Revised Statutes, Title 17-A, the Maine Criminal Code, and replaces those references with language describing the actions that give rise to the civil liability. This clarifies that liability for damages and the civil penalty in a civil action are not dependent on criminal prosecution. This law adds civil liability for wrongfully obtaining utility property. It also adds liability for interest on the cost of utility services wrongfully obtained at an annual interest rate of 5%. The law also changes the civil penalty amount from a fixed \$2,500 per offense to an amount not to exceed \$2,500, to allow the judge to set the penalty based on the circumstances.

Public Law 2007, chapter 553 was enacted as an emergency measure effective April 3, 2008.

LD 2238 An Act Regarding Tort Liability in the Provision of E-9-1-1 Access-only Service

PUBLIC 504

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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This bill clarifies that the provision of E-9-1-1 access-only service, also known as "soft dial tone" service, is covered by the law governing the liability of telecommunications providers in the implementation and operation of the