

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the First Regular Session of the 124th Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON UTILITIES AND
ENERGY**

July 2009

STAFF:

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

MEMBERS:

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STATE OF MAINE

124TH 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 124th 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:

CARRIED OVER.....	Carried over to a subsequent session of the Legislature
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; bill died
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted; bill died
P&S XXX.....	Chapter # of enacted Private & Special Law
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

The effective date for non-emergency legislation enacted in the First Regular Session of the 124th Legislature is September 12, 2009. 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

This bill allows a municipality to provide digital subscriber line, or DSL, service through itself or through a third party to an area of the municipality that does not receive Internet service if the telecommunications utility servicing the municipality refuses to provide the service to the area.

LD 766 An Act To Promote Telecommunications Availability for the Deaf and Hard of Hearing

PUBLIC 68

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WAGNER J BOWMAN	OTP-AM	H-65

This bill clarifies that the 70% rate reduction in intrastate toll calls established by the Public Utilities Commission for deaf, hard-of-hearing and speech-impaired persons applies when there are toll charges assessed for the calls. The bill also replaces certain references in the law to teletypewriters with references to telecommunications devices for the deaf and updates several definitions to reflect the new ways in which the deaf and hard-of-hearing community uses telecommunications services. The bill also clarifies that an entity can qualify as a telecommunications relay service provider even if there are parts of the State where it is not technologically feasible to provide the service. The bill clarifies that the Division of Deafness is within the Department of Labor not the Department of Education, and it clarifies the membership of the Telecommunications Relay Services Advisory Council.

Committee Amendment "A" (H-65)

This amendment makes several technical changes to the bill for clarification and consistency. It replaces the term "hearing impaired person" with "hard-of-hearing person" for consistency with language in the bill, and it provides a more detailed definition of "hard-of-hearing person" than is included in the bill.

Enacted Law Summary

Public Law 2009, chapter 68 clarifies that the 70% rate reduction in intrastate toll calls established by the Public Utilities Commission for deaf, hard-of-hearing and speech-impaired persons applies when there are toll charges assessed for the calls. The law also replaces certain references to teletypewriters with references to telecommunications devices for the deaf and updates several definitions to reflect the new ways in which the deaf and hard-of-hearing community uses telecommunications services. This law also clarifies that an entity can qualify as a telecommunications relay service provider even if there are parts of the State where it is not technologically feasible to provide the service. Finally, it clarifies that the Division of Deafness is within the Department of Labor not the Department of Education, and it clarifies the membership of the Telecommunications Relay Services Advisory Council.

LD 789 An Act To Make Certain Changes to the Laws Regarding E-9-1-1 Surcharge Collection from Prepaid Wireless and Voice over Internet Protocol Providers

**ACCEPTED ONTP
REPORT**

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

This bill makes several changes to the laws governing the collection of the E911 surcharge for prepaid wireless service and voice over Internet protocol, or VOIP, service.

Joint Standing Committee on Utilities and Energy

This bill makes two changes to this provision of law regarding the determination of a cellular or wireless service customer's place of residence. For post-paid customers, it specifies that the customer's place of primary use, rather than place of residence, must be determined by the sourcing rules in Title 36, section 2556. For prepaid wireless service customers, it specifies that the customer's nexus to Maine must be determined by the sourcing rules in Title 36, section 2556, and authorizes the Public Utilities Commission by rule to establish additional criteria to determine nexus, including the assignment of prepaid wireless service to a telephone number within Maine's area code.

The bill modifies the law relating to the point of sale collection method for the surcharge on pre-paid wireless service to authorize the collection of the surcharge from a "purchaser" in addition to from a "customer."

This bill also modifies the law relating to the average revenue per user, or ARPU, collection method for the surcharge on pre-paid wireless service. Specifically it amends the formula for determining the total surcharge that is collected indirectly from prepaid wireless telephone customers.

Committee Amendment "A" (H-202)

This amendment is the minority report of the committee. The amendment replaces the bill with a resolve. The amendment directs the Public Utilities Commission to:

1. Form and participate in a stakeholder group to design a method of collecting an E-9-1-1 surcharge on prepaid wireless telecommunications service that is comprehensive, convenient and least burdensome, taking into account the perspectives of prepaid wireless telecommunications service providers, retailers and end users; and
2. Develop recommendations regarding the best method of protecting the integrity of the E-9-1-1 fund under the Maine Revised Statutes, Title 25, section 2927 and ensuring access to federal grant funds related to the E-9-1-1 system.

The amendment requires the commission to report to the Joint Standing Committee on Utilities and Energy by January 15, 2010 on both of these matters and authorizes the Joint Standing Committee on Utilities and Energy to report out legislation on these matters to the Second Regular Session of the 124th Legislature.

LD 790 An Act To Waive Public Utilities Commission Approval of Special Contracts When the Contracts Apply to Detariffed Rates or Terms

PUBLIC 66

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HINCK	OTP-AM	H-58

This bill exempts a telephone utility from the requirement to obtain approval from the Public Utilities Commission for a special contract and changes in the rates under such a contract, when that utility has been granted an exemption from the requirement to file rate schedules or terms and conditions, or tariffs, with the commission. The exemption from the special contract approval requirement is limited to the same extent of the exemption from the tariff filing requirement. This means that if a telephone utility has some services exempt from tariff filing, it is only exempt from the special contract approval requirement for those specific services.

Committee Amendment "A" (H-58)

This amendment clarifies the language in the bill regarding the exemption from the requirement for Public Utilities Commission approval of special contracts for certain telephone utilities that are already exempted from the requirement to file rate schedules or terms and conditions.

Enacted Law Summary