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R. of S.

L.D. 828

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M I N O R I T Y
UTILITIES AND ENERGY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 618, L.D. 828, Bill, "An Act to Provide Public Access to the Information Superhighway through Enhanced Library Telecommunications"

Amend the bill by striking out the title and substituting the following:

'An Act to Provide Affordable Access to Information Services in All Communities of the State through Enhanced Library and School Telecommunications'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 35-A MRSA §7101, sub-§3, as amended by PL 1993, c. 638, §1, is repealed.

Sec. 2. 35-A MRSA §7101, sub-§4 is enacted to read:

4. Information access. The Legislature further declares and finds that computer-based information services and information networks are important economic and educational resources that should be available to all Maine citizens at affordable rates. It is the policy of the State that affordable access to those information services that require a computer and rely on the use of the telecommunications network should be made available in all communities of the State without regard to geographic location.

Sec. 3. 35-A MRSA §7104-A is enacted to read:

COMMITTEE AMENDMENT

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2 §7104-A. Access to information services

4 1. Additional authority. To carry out the policy goals
6 established by section 7101, subsections 1, 2 and 4 and to meet
8 the requirements in sections 301 and 9103 pertaining to the
10 establishment of just and reasonable rates, the commission may:

12 A. Require a local exchange carrier serving more than
14 100,000 lines to provide telecommunications services,
16 including instruction and equipment related to such
18 services, at reduced charges or at no charge to qualified
20 libraries and schools for the establishment and use of a
22 program providing access to information networks;

24 B. Require a local exchange carrier serving more than
26 100,000 lines to provide funds for qualified libraries and
28 schools to obtain telecommunications services, including
30 instruction and equipment related to such services, from
32 other vendors if the provision of such services is found by
34 the commission to be consistent with the policies described
36 in this section; and

38 C. Establish a telecommunications access fund and require a
40 local exchange carrier serving more than 100,000 lines to
42 contribute to the fund. The fund must be available, with
44 any accumulated interest, to qualified libraries and schools
46 to assist in paying the costs of acquiring and using
48 advanced telecommunications technologies.

50 The authority granted to the commission under this subsection is
52 in addition to any other authority granted by this Title.

54 2. Funding. In carrying out the authority granted by
56 subsection 1, the commission:

58 A. Shall limit the annual cost to a carrier to the amount
60 approved by the commission in Docket Numbers 94-123 and
62 94-254, but the annual cost may not exceed \$4,000,000; and

64 B. Shall attribute any amount collected from a carrier
66 pursuant to subsection 1 as an offset to any required
68 intrastate support mechanism developed by the commission to
70 preserve and advance universal service.

72 3. Definitions. As used in this section, unless the
74 context otherwise indicates, the following terms have the
76 following meanings.

78 A. "Qualified library" means a public library as defined in
80 Title 27, section 110, subsection 10; a research center as

2 defined in Title 27, section 110, subsection 12; a library
3 operated by a public school as defined in Title 20-A,
4 section 1, subsection 24 that provides free public access to
5 all advanced telecommunications services available at that
6 library; or a library that provides free public access to
7 all advanced telecommunications services available at that
8 library and whose collection serves as a statewide resource,
9 if the commission determines, in consultation with the Maine
10 Library Commission, that including that library as a
11 qualified library is in the public interest.

12 B. "Qualified school" means a public school as defined in
13 Title 20-A, section 1, subsection 24; a private secondary
14 school approved under Title 20-A, section 2951; or a school
15 that provides free public access to all advanced
16 telecommunications services available at that school, if the
17 commission determines, in consultation with the Department
18 of Education, that including that school as a qualified
19 school is in the public interest.

20 C. "Telecommunications service" has the same meaning set
21 forth in 47 United States Code, Section 153 (1996).

22 4. Review of progress; report. The commission shall report
23 annually, beginning February 1, 1997, to the joint standing
24 committee of the Legislature having jurisdiction over utilities
25 matters on the following:

26 A. The progress made in meeting the goal of providing
27 affordable access to advanced information services in all
28 communities of the State without regard to geographic
29 location, as established in section 7101, subsection 4;

30 B. The extent to which such affordable access to advanced
31 information services is made available through qualified
32 libraries and schools;

33 C. The progress made in reaching benchmarks established by
34 the commission for the purpose of measuring the successes
35 and shortcomings of any measures required by the commission
36 pursuant to subsection 1. The benchmarks must include the
37 number of qualified libraries and schools benefitting from
38 such measures, the geographic distribution of those
39 libraries and schools and the number of hours each qualified
40 library or school is using advanced telecommunications
41 technologies;

42 D. The use of funds expended in the previous year pursuant
43 to subsection 1 and the planned expenditures for the next
44 year. The report that is due February 1, 2000 must include
45 the following information:

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recommendations for the disposition of any funds remaining in a telecommunications access fund established pursuant to subsection 1 upon the repeal of that subsection;

E. Whether toll barriers and the designation of calling areas are impeding the achievement of the goal established in section 7101, subsection 4;

F. The extent to which the goal established in section 7101, subsection 4 is promoted or impeded by the federal Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56, increased local telephone competition and cable television deregulation; and

G. Recommendations for legislation.

In preparing the report, the commission shall consult with the State Planning Office, the Public Advocate, the Department of Administrative and Financial Services, the Department of Education, the Maine Library Commission, representatives of low-income citizens, representatives of the business community and providers of telecommunications services. The commission shall provide copies of the report to the public, the Director of the State Planning Office and the Public Advocate sufficiently in advance of submittal of the final report to permit submittal of written comments on the commission's analysis and recommendations. The written comments of the Director of the State Planning Office and the Public Advocate must be included as attachments to the commission's final report.

The joint standing committee of the Legislature having jurisdiction over utilities matters may report out legislation regarding access to information services to the First Regular Session and Second Regular Session of the 118th Legislature.

5. Repeal. Subsections 1 and 2 are repealed December 31, 2000.

Sec. 4. Construction. Notwithstanding the Maine Revised Statutes, Title 1, section 302, the mechanisms for providing public access to information services at schools and libraries throughout the State, as approved by the Public Utilities Commission in Docket Numbers 94-123 and 94-254, are considered to be adopted pursuant to the policy statement found in section 2 of this Act and the authority provided by section 3 of this Act.

Sec. 5. Retroactivity. This Act applies retroactively to May 1, 1995.

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and to submit a report to the Legislature. These costs can be absorbed within the commission's existing budgeted resources.

The State Planning Office, the Public Advocate, the State Library Commission, the Department of Administrative and Financial Services and the Department of Education will incur some minor additional costs to consult with the Public Utilities Commission in the preparation of a report to the Legislature. These costs can be absorbed within the agencies' existing budgeted resources.'

STATEMENT OF FACT

This amendment, which is the minority report of the Joint Standing Committee on Utilities and Energy, replaces the bill. The amendment repeals an outdated provision requiring the Public Utilities Commission to submit a report. The amendment also establishes a new state policy that affordable access to those information services that require a computer and rely on the use of the telecommunications network should be made available in all communities of the State without regard to geographic location. The amendment gives the Public Utilities Commission the authority to do the following to carry out the goals of the State's telecommunications policy.

1. It may require a local exchange carrier serving more than 100,000 lines to provide telecommunications services, including instruction and equipment related to such services, at reduced charges or at no charge to qualified libraries and schools for the establishment and use of a program providing access to information networks.

2. It may require a local exchange carrier serving more than 100,000 lines to provide funds for qualified libraries and schools to obtain telecommunications services, including instruction and equipment related to such services, from other vendors.

3. It may establish a telecommunications access fund and require a local exchange carrier serving more than 100,000 lines to contribute to the fund.

The amendment also specifies that in carrying out its authority granted by the Maine Revised Statutes, Title 35-A, section 7014-A, subsection 1 the Public Utilities Commission shall limit the annual cost to a carrier to the amount approved by the commission in Docket Numbers 94-123 and 94-254 and the

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2 Public Utilities Commission shall attribute any amount collected
from a carrier as an offset to any required intrastate support
4 mechanism to preserve and advance universal service.

6 The amendment defines "qualified library," "qualified
school" and "telecommunications service." The amendment also
requires the Public Utilities Commission to report annually to
8 the joint standing committee of the Legislature having
jurisdiction over utilities matters on the progress made in
10 meeting the goal of information access established in Title 35-A,
section 7101, subsection 4 and factors promoting or impeding the
12 achievement of that goal.

14 The amendment provides for the repeal of the provision
granting the Public Utilities Commission additional authority and
16 the provision regarding funding on December 31, 2000. The
amendment also makes the bill retroactive to May 1, 1995.
18 Finally, the amendment clarifies that the Public Utilities
Commission's approval of NYNEX's plan to provide access to
20 information networks and services to public schools and public
libraries is authorized by this legislation.

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The amendment also adds a fiscal note.