

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

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Legislative Document

No. 299

H. P. 227

House of Representatives, January 18, 1973

Referred to Committee on Public Utilities. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Soulas of Bangor by request.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

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AN ACT Regulating Community Antennae Television Systems by Public  
Utilities Commission.

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Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., T. 35, c. 182, additional. Title 35 of the Revised Statutes is amended by adding a new chapter 182 to read as follows:

CHAPTER 182

COMMUNITY ANTENNAE TELEVISION SYSTEMS

§ 2551. Definition

“Community antennae television system” or “CATV” as used in this chapter shall mean and include the ownership or operation of a cable television system which receives video or audio signals, electrical impulses or currents at a central antennae or electronic control center within this State and from which it distributes or transmits such signals, impulses or currents by a cable or wire system to electronic equipment at a customer’s terminal point within this State. Nothing contained in this chapter shall be construed to apply to a telephone, telegraph or electric public utility company.

§ 2552. Subjection to regulation

Every company owning or operating a CATV plant in this State is declared to be a communications carrier and as such subject to the jurisdiction of and to such reasonable rules and regulations as the Public Utilities Commission may prescribe with reference to the erection and maintenance of distribution facilities and equipment in, under, above, along, across and upon public highways, bridges and public places in order to safeguard the safety

of the customers and of the public and to preserve the environment and scenic assets of the State.

§ 2553. Certificate required

No person or company shall operate a CATV service unless there shall be in force for the same a valid certificate issued by the Public Utilities Commission authorizing such operation. Every application for such certificate shall be filed with the Public Utilities Commission on a form provided by the commission and shall contain verified answers to such questions and such information as the commission may propound or require and shall be accompanied by a fee of \$50. The commission, within a reasonable time, shall fix the time and place of hearing on the application.

§ 2554. Persons entitled to certificate

A certificate shall be issued by the Public Utilities Commission to an applicant therefor if the commission finds that the applicant is of good character and is fit, willing, technically qualified and financially able properly to perform the service proposed and to conform to the requirements, orders, rules and regulations of the commission, and that the proposed operation will be consistent with the public interest. No certificate shall be transferred except with the consent and approval of the commission. The holder of a certificate shall be entitled to retain the same as long as he conforms to the orders, rules and regulations of the commission and pays an annual fee of \$50.

§ 2555. Contents of certificate

Each certificate shall specify the service to be rendered, the routes of aerial and underground feeder and distribution cables, the area of operation, and any plans, contracts or arrangements for pole line attachments with a public utility or arrangements with a common carrier and other appropriate feasibility plans.

§ 2556. Jurisdiction

The Public Utilities Commission shall supervise and regulate every CATV company operating within this State so far as may be necessary to prevent such operation from having detrimental consequences to the public interest, and for this purpose may promulgate and enforce such reasonable rules and regulations as it may deem necessary with reference to issuance of certificates, territory of operation, abandonment of facilities, elimination of unjust discrimination among subscribers, financial responsibility and insurance covering personal injury and property damage, safety of equipment and operation and filing of reports. No certificates shall be issued or remain valid unless the applicant has filed with the commission and revised to keep current a schedule of rates and charges for its services. Such rates and charges shall be reasonably compensatory so as not to encourage unfair or destructive competitive practices and shall be applied without discrimination.

§ 2557. Placing of poles and cables

Every CATV company that receives a certificate from the Public Utilities Commission shall have the right to erect poles or posts or to construct any

conduit or other facility or maintain cables, wires or fixtures upon, under or over any state or municipal highway or public place for the purpose of operating a CATV service provided that a permit therefor has first been obtained from the Commissioner of Transportation or the proper official of the municipality having jurisdiction over such roads or public places which permission said officials are authorized to give.

All such equipment, fixtures and facilities shall be so placed or constructed as not to unreasonably inconvenience travel on the highway or use thereof by public utilities or other persons or companies having rights therein.

§ 2558. Revocation or change of certificate

The commission may, after affording the holder an opportunity to be heard, revoke, suspend or alter any such certificate for willful violation of any provision of this chapter, or the rules and regulations or orders promulgated under the authority of this chapter, or for failure to commence operations within a reasonable time or for other reasonable cause. If a holder of a certificate after commencing operations shall fail for a continuous period of 60 days to render proper service without good reason therefor, the commission shall revoke such certificate. In the exercise of the police power of the State, the commission may revoke or refuse to renew the license of any CATV company whose programs originating within this State are offensive to commonly accepted standards of morality and decency of the community.

Sec. 2. R. S., T. 30, § 2151, sub-§ 2, ¶ H, repealed. Paragraph H of subsection 2 of section 2151 of Title 30 of the Revised Statutes, as amended, is repealed.

STATEMENT OF FACT

The purpose of this bill is reflected in the title.