

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1505

S. P. 440

In Senate, March 12, 1973

Referred to the Committee on State Government. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Conley of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT to Establish the Maine Telecommunications Commission.

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

Sec. 1. R. S., T. 10, c. 213, additional. Title 10 of the Revised Statutes is amended by adding a new chapter 213, to read as follows:

CHAPTER 213

MAINE TELECOMMUNICATIONS COMMISSION

§ 1361. Declaration of legislative findings and intent

Upon consideration of the public interest associated with telecommunications services to the people of Maine, the Legislature has determined that this interest is one of paramount importance to public welfare and, in view of the continuing extension of telecommunications services to both new uses and additional members of the public, will assume increasing importance with the passage of time; that presently the public interest in receiving the best available telecommunication service under reasonable terms and conditions is not fully protected; that the State should be adequately prepared to represent the people of Maine before the Federal Communications Commission and other federal agencies on telecommunications matters; that many local governments in Maine are hampered in their efforts to assure adequate telecommunications services to local citizens by a lack of the necessary information, technical expertise and administrative resources; while cable television serves in part as an extension of interstate broadcasting, it also involves the offering and sale to Maine residents of an important service, the dissemination of television broadcasts and other programming originating within and outside Maine, public right-of-way, significant contractual obli-

gations by Maine municipalities, and vital community services, and, therefore, is of state concern; that federal communications law calls for state and municipal regulation of many aspects of telecommunication and cable television, and that in view of the continued need for close local participation in the development of cable television, the franchising of cable television systems by local authorities under state guidelines and review constitutes the optimum regulatory framework for Maine; that while telecommunications operations must be subject to state review consistent with federal law, they also must be protected from undue restraint and regulation; that municipalities and the State would benefit from valuable educational and public services through cable television systems; and that the telecommunications industry is in a period of rapid growth, technological innovation and corporate consolidation and that the extension of telecommunications services should proceed in accord with regional and state-wide service objectives.

There is, therefore, a need to develop a state telecommunications policy; to represent the interest of the people of Maine before federal agencies with respect to telecommunications matters, to assist municipalities in telecommunications matters including franchising of cable television systems; to promote the rapid development of the cable television services responsive to community and public interest and consonant with state policy; to assure that cable television service in Maine is adequate, economical and efficient; and, to encourage the endeavors of public and private institutions, municipalities, associations and organizations in developing telecommunications services and programming for the public interest.

It is the intent of the Legislature in the enactment of this chapter to vest authority in an independent commission to develop a state-wide telecommunications policy taking full account of the needs of Maine people and local governments, federal and local policies, laws and regulations, technological and structural change within the telecommunication industry; to set and enforce standards for cable television systems and franchise practices; to encourage provision and utilization of public, local government and educational access channels, program diversity, local expression and other program and communications content services; to provide assistance to municipalities in telecommunications matters; and, to stimulate the development of diverse instructional, educational, community interest and public affairs, television programming with full access thereto by educational broadcasters and public and private institutions.

§ 1362. Definitions

The words and phrases used in this chapter shall have the following meanings, unless a different meaning clearly appears in the context.

1. Cable television company. "Cable television company" shall mean any person or persons owning, controlling, operating, managing or leasing a cable television system within the State. For purposes of this definition, control shall mean effective control whether direct or indirect and however exercised. A person or affiliated group of persons owning or controlling directly or indirectly 25% of the stock or assets of a cable television system shall be presumed to control such system.

2. Cable television system. "Cable television system" shall mean any facility that, in whole or in part, receives directly or indirectly over the air, and amplifies or otherwise modifies signals transmitting programs broadcast by one or more television or radio stations and distributes such signals by wire or cable to subscribing members of the public who pay for such service. Such term shall not include:

- A. Any system which serves fewer than 50 subscribers; or
- B. Any master antenna television system.

3. Commission. "Commission" shall mean the Telecommunications Commission created by this chapter.

4. Franchise. "Franchise" shall mean and include any authorization granted by a municipality or association of municipalities, whether in terms of a franchise, privilege, permit, license or other authorization, to construct, operate, maintain or manage a cable television system serving one or more residents of Maine.

5. Master antenna television system. "Master antenna television system" shall mean any television system which serves only the residents of one or more apartment dwellings under common ownership, control or management and which transmits only signals broadcast over the air by stations which may be normally viewed or heard locally without objectionable interference, and which does not provide any additional service.

6. Municipality. "Municipality" shall mean any town or city or other political subdivision in Maine authorized by state law to issue a franchise.

7. Person. "Person" shall mean any individual, trustee, partnership, association, corporation, municipality or other legal entity.

8. Program. "Program" shall mean any broadcast-type program, signal, message, graphics, data or communication content service.

9. State "State" shall mean the State of Maine.

10. State agency. "State agency" shall mean any office, department, board, commission, bureau, division, public corporation, agency or instrumentality of this State.

§ 1363. Commission created

A State Commission on Cable Television is established, which shall consist of 5 members representative of the broad range of interests related to telecommunication needs and concerns, including so far as possible the fields of broadcasting, educational television, cable television, municipal and consumer interests. The commission is constituted a public instrumentality and exercise by the commission of the powers conferred by this chapter shall be deemed to be the performance of an essential governmental function.

Each member shall be appointed by the Governor with the advice and consent of the Council for 3 years, provided that of the 5 members first appointed, one shall be appointed for one year, 2 for 2 years and 2 for 3 years,

from the January 1st following their appointment. Their successors shall be appointed for terms of 3 years each. Members shall continue in office until their successors have been appointed and qualified, or until removed by the Governor for cause.

The Governor shall designate one of the members to be chairman who shall preside at meetings of the commission. The members shall elect one of their number as vice-chairman of the commission.

Vacancies in the commission occurring otherwise than by expiration of term shall be filled for the unexpired term in the same manner as original appointments.

The chairman and the other members of the commission each shall be compensated \$25 per day for each day actually spent in the performance of their duties and shall be reimbursed for their actual travelling expenses necessarily incurred in the performance of their duties. Employees of the commission shall be subject to the Personnel Law.

Three members of the commission shall constitute a quorum for the transaction of any business and the affirmative vote of a majority at any meeting shall be required for the exercise of any power or function of the commission. The commission may delegate to one or more of its members, or its officers, agents or employees, such powers and duties as it deems appropriate.

The commission may appoint a counsel, an executive director and such other employees, agents and consultants as it deems necessary, prescribe their duties and fix their compensation within the amounts available therefor by appropriation.

§ 1364. Duties of the commission

1. Duties. The commission shall:

A. Develop, publicize and maintain a state-wide telecommunications policy for development of telecommunications services to Maine residents;

B. To the extent permitted by, and not contrary to applicable federal law, rules and regulations:

(1) Prescribe standards for procedures and practices which municipalities shall follow in granting franchises, which standards shall provide for the issuance of a public invitation to compete for the franchise; the filing of all franchise applications and related documents as public records, with reasonable notice to the public that such records are open to inspection and examination during reasonable business hours; the holding of a public hearing, upon reasonable notice to the public and the commission, at which the applicants and their proposals shall be examined and the members of the public and interested parties are afforded a reasonable opportunity to express their views thereon; the rendition of a written report by the municipality, made available to the public, setting forth the reasons for its decision in awarding the franchise; and such other procedural standards as the commission may deem necessary or

appropriate to assure maximum public participation and competition and to protect the public interest;

(2) Prescribe minimum standards for inclusion in franchises, including: Maximum initial and renewal terms; minimum channel capacity; provisions regarding access to, and facilities to make use of, channels for local government, educational and public service programs; requirement that no such franchise may be exclusive; and such other standards as the commission shall deem necessary or appropriate to protect the public interest;

(3) Prescribe standards by which municipalities shall determine whether an applicant possesses the technical ability, the financial ability, the good character and other qualifications necessary to operate a cable television system in the public interest;

(4) Prescribe standards for the construction and operation of cable television systems, which standards shall be designed to promote safe, adequate and reliable service to subscribers, the construction and operation of systems reflecting the most advanced state of the art consistent with the needs and resources of the communities to be served, construction schedules providing for as rapid as possible extension of service within the limitations of economic feasibility, the construction of systems with the maximum practicable channel capacity, facilities for local program origination, facilities to provide service in areas conforming to various community interests, facilities with the technical capacity for interconnection with other systems within regions as established in the commission's state-wide policy and facilities capable of transmitting signals from subscribers to other points;

(5) Prescribe such standards for the prohibition or limitation of concentration of control over mass media and communication companies and facilities and methods of enforcing such standards, as the commission may determine to be necessary or appropriate to protect the public interest;

C. Provide advice and technical assistance to municipalities and others in matters relating to telecommunications services;

D. Review and act upon applications for certificates of confirmation as provided hereinafter in this chapter;

E. Represent the State before the Federal Communications Commission and other federal agencies in respect of telecommunications matters;

F. Encourage cooperative arrangements in the development of regional educational and public affairs telecommunications programming;

G. Cooperate with municipalities to facilitate undertaking of multiple community cable television systems;

H. Encourage the franchising of public and nonprofit cable television systems;

I. Maintain liaison with the communications industry and parties both public and private, having an interest therein, other states and agencies of this State to promote the rapid and harmonious development of telecommunications services as set forth in the legislative findings and intent;

J. Undertake such studies as it finds necessary to further the objectives of this chapter.

§ 1365. Powers of the commission

1. Powers.

A. The commission may promulgate, issue, amend and rescind such orders, rules and regulations at it may find necessary or appropriate to carry out the purposes of this chapter. Such orders, rules and regulations may classify persons and matters within the jurisdiction of the commission and prescribe different requirements for different classes of persons or matters. A copy of any order, rule or regulation promulgated hereunder shall be subject to public inspection during reasonable business hours.

B. The commission may require cable television companies to maintain and file such reports, contracts and statements, including, but not limited to, ownership, accounting, auditing and operating statements, engineering reports and other data as the commission may deem necessary or appropriate to administer this chapter. The commission, including members of its staff, may make reasonable inspections of the records and facilities of any cable television company.

C. The commission may examine, under oath, all officers, agents, employees and stockholders of any cable television company, municipal officials and any other persons and compel the production of papers and the attendance of witnesses to obtain the information necessary to administer this chapter.

D. The commission may require and receive from any agency of the State or any political subdivision thereof such assistance and data as may be necessary to enable the commission to administer this chapter. The commission may enter into such cooperative arrangements with state agencies and municipalities, each of which is hereby authorized to enter into such cooperative arrangements, as shall be necessary or appropriate to assure that there will be maximum utilization of existing expertise in communications technology, and that the purposes of this chapter will be furthered. Upon request of the commission, any state agency may transfer to the commission such officers and employees as the commission may deem necessary from time to time to assist the commission in carrying out its functions and duties. Officers and employees so transferred shall not lose their status or rights under the Personnel Law.

E. The commission, upon the request of any municipality which has issued a franchise or whose residents subscribe to cable television service, may, after due hearing and investigation, fix and establish for the applicable cable television system or systems the rates to be charged to subscribers, said rates to be fair, reasonable, nor discriminatory and to provide a fair

rate of return to the cable television company or companies operating such cable television system or systems.

F. The commission shall have and may exercise all other powers necessary or appropriate to carry out the purposes of this chapter.

§ 1366. Municipal fees; taxes or charges

Nothing in this chapter shall be construed to limit the power of any municipality to impose upon any cable television company a fee, tax or charge, provided that any such fee, tax or charge does not exceed the maximum amount permitted by applicable federal law, rules or regulations.

§ 1367. Franchise requirement

No cable television system, whether or not it is deemed to occupy or use a public thoroughfare, may commence operations, or, if in operation at the effective date of this Act, expand the area it serves after the effective date of this Act unless it has been franchised by each municipality in which it proposes to provide or extend service.

A municipality shall have the power to require a franchise of any cable television system providing service within the municipality, notwithstanding that said cable television system does not occupy, use or in any way traverse a public way. The provision of any municipal charter or other law authorizing a municipality to require and grant franchises is hereby amended, to the extent necessary, to authorize such franchises.

Nothing in this chapter shall be construed to prevent franchise requirements in excess of those prescribed by the commission, unless such requirement is inconsistent with this chapter or any regulation, policy or procedure of the commission.

§ 1368. Construction of systems

Every cable television system constructed after the effective date of this Act shall comply with such construction standards as the commission may have prescribed pursuant to section 1364, subsection 1, paragraph B.

§ 1369. Certificate of confirmation

1. Application. Except as provided in subsection 6, after the effective date of this Act, no person shall exercise a franchise, and no such franchise shall be effective, until the commission has confirmed such franchise. A person wishing to exercise a franchise shall file with the commission an application for a certificate of confirmation in such form and containing such information and supportive documentation as the commission may require. The application shall be accompanied by proof of service thereof upon the franchisor and by such fee as the commission may set.

2. Hearing. The commission may hold a public hearing on any application for a certificate of confirmation if it determines that such a hearing is in the public interest. The commission shall fix the time and place for such a hearing and cause notice thereof to be given to the applicant, the chief executive officer of the municipality issuing the franchise and such other

persons as the commission may deem appropriate. Testimony may be taken and evidence received at such a hearing pursuant to such rules and procedures as the commission may establish.

3. Issuance. The commission shall issue a certificate of confirmation of the franchise unless it finds that the applicant, the proposed cable television system or the proposed franchise does not conform to the standards embodied in the regulations promulgated by the commission pursuant to section 1365, subsection 1, paragraph A, or that operation of the proposed cable television system by the applicant under the proposed franchise would be in violation of law or any regulation or standard promulgated by the commission.

4. Contingency. The commission may issue a certificate of confirmation contingent upon compliance with standards, terms or conditions set by the commission pursuant to this chapter.

5. Refusal reasons. In the event the commission refuses to issue a certificate of confirmation, it shall set forth in writing the reasons for its refusal.

6. Existing franchises. Any cable television company which, pursuant to an existing franchise, was lawfully engaged in actual operations, or had commenced substantial construction, as such term is defined by the commission, of a cable television system on the effective date of this Act may continue to exercise said franchise pursuant to the terms thereof, provided such company files with the commission, on or before January 1, 1974 an application for certification of confirmation, in such form and containing such information and supporting documentation as the commission may require. The commission shall issue a certificate of confirmation to such a cable television company valid for the unexpired term of its franchise or for 5 years, whichever is less, without further proceedings, which certificate may be renewed by the commission, on application, pursuant to section 1370.

7. —not exercised. Notwithstanding any other provision of this chapter, any franchise which has not been exercised as indicated by substantial performance within one year after June 30, 1973 shall be deemed contrary to the public interest and such franchise and any certificate of confirmation previously issued by the commission shall be invalidated, unless the cable television company can make an adequate showing that substantial performance was precluded by circumstances beyond the reasonable control of such company. Any subsequent application for a certificate of confirmation shall be determined in accordance with this section.

8. —nonfranchised. The commission shall issue a certificate of confirmation valid for an initial term of 3 years to any cable television company engaged in actual and lawful nonfranchised cable television operations on June 30, 1973, if application for such a certificate is made to the commission on or before January 1, 1974, in such form and containing such information and supporting documentation as the commission may require. Notwithstanding any other provisions of this chapter, any such company which obtains a certificate of confirmation may continue to operate within the limits of the area in which it was actually rendering service on June 30, 1973, as determined by the commission. Such a certificate of confirmation may be renewed by the commission on application for 3-year terms pursuant to section 1370.

9. —further validation. Nothing in this section shall be deemed to validate a franchise not granted in accordance with law or affect any claims in litigation on the effective date of this Act. No confirmation under this section shall preclude invalidation of any franchise illegally obtained.

§ 1370. Transfer, renewal or amendment of franchises and transfer of control over franchises and facilities

1. Approval. No transfer, renewal or amendment of any franchise, or any transfer of control of a franchise or certificate of confirmation or of facilities constituting a substantial part of any cable television system in Maine shall be effective without the prior approval of the commission. Such approval shall be required in addition to any municipal approval required under the franchise or by law. For the purposes of this section, a transfer of ownership or control of any cable television company, and a merger or consolidation of 2 or more cable television companies shall constitute a transfer of the franchises or certificates granted to such company or companies.

2. Application. A person wishing to transfer, renew or amend a franchise, or to transfer control of a franchise or of facilities constituting a substantial part of a cable television system shall file with the commission an application for approval of such change, in such form and containing such information and supporting documents as the commission may require. The application shall be accompanied by such fee as the commission may set. The commission may hold a public hearing on any such application as set forth in section 1369, subsection 2.

3. Nonconforming. The commission shall approve the application unless it finds that the applicant, or in the case of a transfer application, the proposed transferee, or the cable television system does not conform to the standards embodied in the regulations promulgated by the commission pursuant to section 1365 or that approval would be in violation of law or any regulation or standard promulgated by the commission.

4. Contingency. The commission may approve the application, contingent upon compliance with standards, terms or conditions set by the commission.

5. Reasons. In the event the commission refuses to approve the application, it shall set forth in writing the reasons for its refusal.

6. Limitation. Approval of a transfer, renewal or amendment under this section shall not preclude invalidation of a franchise illegally obtained.

§ 1371. Interconnection and system coordination

Whenever the commission finds it to be in the public interest, the commission may, either upon application of an interested party or on its own initiative, and after public notice and opportunity for hearing, order the interconnection of cable television systems and facilities or the coordinated operation of such systems and facilities. The commission may append to such order such reasonable terms and conditions as will best promote the public interest.

§ 1372. Requirement for adequate service

1. **Service.** Every cable television company shall provide safe, adequate and reliable service in accordance with applicable laws, regulations and franchise requirements.

2. **Orders.** Whenever, upon complaint or upon its own motion, and after public notice and opportunity for hearing, the commission finds that the construction or operation of a franchised or certificated cable television system has been unreasonably delayed or that the extension of service to any persons or area within a cable television company's territory has been unreasonably withheld, it may order such construction, operation or extension on such terms and conditions as it deems reasonable and in the public interest.

3. **Compliance.** Whenever, upon complaint or upon its own motion, and after public notice and opportunity for hearing, the commission finds that a cable television company is not meeting the service requirements and obligations imposed by this chapter, by the regulations promulgated hereunder, or by its franchise, it may order compliance therewith on such terms and conditions as it deems reasonable and in the public interest.

4. **Penalty.** Failure to comply with an order of the commission issued under subsections 2 or 3 shall be grounds for denial, suspension or revocation of the right to exercise a franchise or to operate pursuant to a certificate of confirmation.

§ 1373. Rates

1. **Rates.** Except as otherwise provided in this section, the rates charged by a cable television company shall be those specified in the franchise which may establish, or provide for the establishment of reasonable classifications of service and categories of subscribers, or charge different rates for differing services or for subscribers in different categories.

2. —changes. Such rates may not be changed except by amendment of the franchise.

3.—effect. Notwithstanding subsection 1:

A. No rate provision in any franchise shall bind a municipality for more than 10 years and no rate provision in any renewed franchise shall bind a municipality for more than 5 years. In the event that an existing franchise purports to bind a municipality with respect to rates for a period to expire after January 1, 1984, such provisions shall have no further force or effect after January 1, 1984; and

B. Any rate or rates found by the commission, after public notice and opportunity for hearing, to be discriminatory or preferential as between subscribers similarly situated shall thereafter be void. Reduced rates or free service to government, educational or charitable institutions shall not be considered unduly discriminatory or preferential.

4. —new. In the event the commission finds that any rate is discriminatory or preferential pursuant to subsection 3, paragraph B or that any cable

television company is in violation of an order issued by the commission pursuant to section 1372 requiring adequate service, it may issue an order requiring the municipality or the cable television company, or both, to provide for new rates which are nondiscriminatory and nonpreferential or reduced to reflect the inadequate service, as the case may be.

5. —additional. In addition to other powers, the commission may, after public notice and opportunity for hearing, prescribe rates for cable television service whenever:

A. Existing rates have been found discriminatory or preferential and, after reasonable opportunity, the municipality or the cable television company or both, have not provided for new rates which are nondiscriminatory or nonpreferential, as provided in subsection 4;

B. A cable television company is in violation of an order issued by the commission pursuant to section 1372 requiring adequate service and, after reasonable opportunity, the municipality or the cable television company, or both, have not provided for new rates reduced to reflect the inadequate service, in which case the commission may require appropriate rate reductions;

C. Having reduced rates pursuant to paragraph B, the commission finds that the cable television company has substantially remedied the deficiencies, in which case the commission shall return the rates to those rates stipulated in the franchise.

D. Upon complaint by any interested party and after reasonable opportunity for negotiation between the municipality and the cable television company concerned, it finds that rates are not established by or pursuant to the terms of the franchise, in which event, the commission shall fix rates at a level comparable to rates fixed in comparable franchises requiring comparable service for comparable service areas; and

E. Upon request by a municipality and cable television company that the commission prescribe applicable rates, in which event the commission shall fix rates at a level comparable to rates currently being fixed in franchises for comparable service in comparable service areas, provided that if the municipality and the company thereafter agree upon rates, such agreed rates shall become effective.

§ 1374. Abandonment of service

1. Abandonment. No cable television company, notwithstanding any provision in a franchise, may abandon any service or portion thereof without having given 6 months' prior written notice to the commission and to the franchising authority if any, and to each of the municipalities it serves.

2. Consent. When abandonment of any service is prohibited by a franchise, no cable television company may abandon such service without written consent of the franchising authority, if any, and the commission. In granting such consent, the commission may impose such terms, conditions or requirements as in its judgment are necessary to protect the public interest.

§ 1375. Termination of franchises

1. Termination. A franchise shall terminate at the expiration of its term or otherwise in accordance with the provisions thereof, unless, prior thereto, the commission otherwise orders. The commission may so order only if it finds, after public notice and opportunity for a hearing, that the franchisee:

A. Has committed a material breach of its franchise or any applicable provisions of this chapter or of the regulations promulgated hereunder and has failed, without reasonable justification, to cure said breach within 60 days after having received written notice thereof from the commission, or

B. Has been adjudicated a bankrupt or has filed a voluntary petition for bankruptcy or reorganization or for an order protecting its assets from the claims of creditors and the commission finds that termination of the franchise or certificate of confirmation under such conditions is in the best interests of the public.

2. Disposal of facilities. Upon termination of a franchise, or certificate of confirmation, the cable television company shall dispose of its facilities in accordance with the provisions of the franchise or certificate. However, on motion of any interested party or upon its own motion, and after public notice and opportunity for hearing, if the commission finds that the continued presence of the facilities in any public way would pose a nuisance to the municipality or its residents, the cable television company shall remove its facilities within such period as the municipality shall order. In the absence of any applicable franchise or certificate provision or order by the commission to the contrary, the cable television company may abandon its facilities.

§ 1376. Landlord—tenant relationship

No cable television company may enter into any agreement with the owners, lessees or person controlling or managing buildings served by a cable television system, or do or permit any act that would have the effect, directly or indirectly, of diminishing or interfering with existing rights of any tenant or other occupant of such building to use or avail himself of master or individual antenna equipment.

§ 1377. Censorship prohibited

1. Censorship. The commission may not prohibit or limit any program or any class or type of program or otherwise censor the communications or signals transmitted by any cable television company or over any cable television system, and may not promulgate any regulation or condition which would interfere with the right of free speech by means of cable television.

2. —municipality. No municipality may prohibit or limit any program or class or type of program or impose discriminatory or preferential franchise fees in any manner that would tend to encourage or discourage programming of any particular nature, directly or indirectly.

3. —company. No cable television company may prohibit or limit any program or class or type of program presented over a leased channel or any channel made available for local government, public access or educational purposes, except as specifically permitted by federal law.

§ 1378. Liability for obscenity, defamation and invasion of privacy

Neither the cable television company whose facilities are used to transmit a program produced by a person other than such cable television company pursuant to this chapter or of federal law or of applicable regulations, nor the officers, directors or employees of any such cable television company shall be liable for damages arising from any obscene or defamatory statements or actions or invasion of privacy occurring during any program when such company does not originate or produce such program.

§ 1379. Application

This chapter shall apply to every cable television company and every cable television system, as defined, operating partly or entirely within the State. Any person or persons possessing a franchise, which authorizes the provision of cable television service to residents of the State, shall be subject to this chapter, notwithstanding that no property may have been acquired, business transacted or such franchise exercised by such person.

§ 1380. Enforcement; penalties

Any person who violates this chapter may be enjoined by a court of competent jurisdiction from continuing such violation and shall also be liable for damages representing reasonable attorneys' fees incurred by the State in obtaining compliance. The commission shall request the Attorney General to enjoin any violation of this chapter and within 15 days after such request, the Attorney General shall bring an appropriate civil action.

Sec. 2. R. S., T. 30, § 2151, sub-§ 2, ¶ H, repealed and replaced. Paragraph H of subsection 2 of section 2151 of Title 30 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

H. Subject to the provisions of Title 10, chapter 213, regulations issued thereunder, and applicable federal law, the municipal officers may contract on such terms and conditions and impose such fees, as are in the best interests of the municipality, including the grant of franchises, for initial periods not to exceed 10 years and renewal period not to exceed 5 years, for the placing and maintenance of community antennae television systems and appurtenances or parts thereof, along public ways and including contracts with operators of such systems which receive the services of television signal transmission offered by any public utilities using public ways for such transmission. Systems located in accordance with such ordinances and contracts are not defects in public ways.

The municipal officers may establish such charges as are necessary to defray the costs of public notice, advertising and the expenses of hearings relating to applications for a contract.

A municipality shall be entitled to injunctive relief in addition to any other remedies available by law to protect any rights conferred upon the municipality by this section or any ordinances enacted under the authority of this section.

The municipal officers of towns shall have exclusive power to enact all ordinances authorized by this subsection. Seven days' notice of the meet-

ing at which said ordinances are to be proposed shall be given in the manner provided for town meetings and such ordinances shall be effective immediately.

Sec. 3. Appropriation. There is appropriated from the General Fund to the Telecommunications Commission the sum of \$100,000 to carry out the purposes of this Act. The breakdown shall be as follows:

	1973-74	1974-75
TELECOMMUNICATIONS COMMISSION		
Personal Services	\$25,000	\$35,000
All Other	15,000	25,000
Capital Expenditures	—	—
	<u> </u>	<u> </u>
	\$40,000	\$60,000

STATEMENT OF FACT

The purpose of this bill is reflected in the declaration of legislative findings and intent.