

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 1906

6  
7 H.P. 1454

House of Representatives, January 10, 1984

8 Submitted by the Public Utilities Commission pursuant to Joint Rule 24.  
9 Reference to the Committee on Public Utilities is suggested and ordered  
printed.

10 EDWIN H. PERT, Clerk

Presented by Representative McGowan of Pittsfield.

Cosponsors: Representative Bost of Orono and Senator Baldacci of  
Penobscot.

11  
12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-FOUR  
16

17 AN ACT to Provide for the Transfer of Radio  
18 Common Carrier Franchises.  
19

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

22 35 MRSA §2302, as amended by PL 1977, c. 34, is  
23 further amended to read:

24 §2302. Consent only after hearing; transfer of  
25 consent

26 No consent, authorized in section 2301, and no  
27 license, permit or franchise shall be granted to any  
28 person, association, corporation or cooperative to  
29 operate, manage or control any public utility of the  
30 kind named in section 2301 in any city or town where  
31 there is in operation a public utility engaged in  
32 similar service or authorized therefor, until the  
33 Public Utilities Commission has made a declaration,  
34 after a public hearing of all parties interested,

1 that public convenience and necessity require such  
2 second public utility. The Public Utilities Commis-  
3 sion, in its discretion, may make a declaration with-  
4 out public hearing, if it appears the utility serving  
5 or authorized to serve, the utility seeking consent  
6 from the commission to provide service and the cus-  
7 tomer or customers to receive service agree that the  
8 utility seeking consent to serve should provide ser-  
9 vice.

10 Any consent granted by the commission under sec-  
11 tion 2301, or under this section, held by a radio  
12 common carrier may be assigned and transferred with  
13 the approval of the commission by the holder of the  
14 consent. The commission may impose reasonable condi-  
15 tions upon the granting of any such approval. For  
16 the purpose of this section, "radio common carrier"  
17 means a telephone company, as defined by section 15,  
18 subsection 19, that transmits intelligence solely by  
19 use of radio.

20 STATEMENT OF FACT

21 This bill provides a streamlined procedure for  
22 transferring radio common carrier franchises.

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