

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 2025
6

7 H.P. 1540

House of Representatives, February 1, 1984

8 Reported by Representative Vose from the Committee on Public Utilities.
9 Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

10 Submitted by the Joint Standing Committee on Public Utilities pursuant to
Joint Rule 18, as approved by the Legislative Council on June 1, 1983.

11
12 STATE OF MAINE
13

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

17 AN ACT to Establish a Telecommunications
18 Policy for the State of Maine.
19

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

22 35 MRSA Pt. 9 is enacted to read:

23 PART 9

24 TELECOMMUNICATIONS

25 CHAPTER 351

26 TELECOMMUNICATIONS POLICY

27 §5001. Findings

28 It is found that:

1 1. Essential to people. Telecommunications is
2 essential to the social welfare and quality of life
3 of the people of this State;

4 2. Essential to economic development. Adequate
5 telecommunications is essential to the economic de-
6 velopment of the State, and an essential tool of
7 business and commerce;

8 3. Universal service. The existing telecommuni-
9 cations system evolved on the basis that all individ-
10 uals should have access to telephone service at a
11 reasonable price and that principle should be main-
12 tained;

13 4. Changes in the industry. Introduction of
14 competition and development of new technology are
15 causing a major restructuring of the telephone sys-
16 tem;

17 5. New communication modes. New telecommunica-
18 tion modes, including data transmission, video trans-
19 mission, electronic funds transfer and cable televi-
20 sion, both one-way and 2-way, are being rapidly de-
21 veloped and are becoming increasingly important; and

22 6. State telecommunications policy. A coordi-
23 nated, integrated overall state telecommunications
24 policy is an appropriate vehicle to provide guidance
25 and integration to the efforts of state and municipal
26 agencies, both regulatory and otherwise, as well as
27 to the private sector in the area of telecommunica-
28 tions.

29 §5002. Definitions

30 As used in this Part, unless the context other-
31 wise indicates, the following terms have the follow-
32 ing meanings.

33 1. Electronic switching system. "Electronic
34 switching system" means a telephone switching system
35 primarily dependent upon solid-state electronic com-
36 ponents rather than electromechanical switches.

37 2. Lifeline telephone service. "Lifeline tele-
38 phone service" means a basic minimum telephone ser-

1 vice sufficient to satisfy the essential needs of a
2 household, including incoming calls, a reasonable
3 number of local outgoing calls, and access to
4 long-distance lines at any time of day.

5 3. Target date. "Target date" means a date
6 when, except in areas specifically exempt by the com-
7 mission, all network access lines in the State are to
8 be served by electronic switching systems.

9 4. Telecommunications. "Telecommunications"
10 means any transmission, emission or reception of sig-
11 nals, images, sounds, data or intelligence of any na-
12 ture by wire, radio or other electromagnetic systems,
13 including any intervening processing and storage.

14 5. Telecommunications services. "Telecommunica-
15 tions services" means the end services provided by
16 telecommunications, such as telephone, other voice
17 communication, data transmission, teletext, video
18 transmission and telegraph.

19 §5003. State telecommunication policy

20 It is the policy of this State to:

21 1. Universal telephone service. Encourage uni-
22 versal telephone service throughout the State;

23 2. Switching and transmission equip-
24 ment. Encourage installation of modern telephone
25 switching and transmission equipment by the target
26 date to the full extent necessary to provide adequate
27 service and encourage economic development;

28 3. Lifeline telephone service. Establish moder-
29 ate cost lifeline telephone service to provide basic
30 service and to subsidize that service as needed by a
31 fee assessed against long distance services and
32 equipment;

33 4. Cost of telephone service. Keep the cost of
34 telephone service as low as possible, consistent with
35 the previous goals;

36 5. Intrastate long distance telephone
37 rates. Continue intrastate long distance telephone

1 rates based on statewide averages so as to ensure
2 that all communities continue to have long distance
3 service at the same price for calls placed at the
4 same time of day, of the same distance and duration;

5 6. National policy; interstate telephone
6 lines. Support a national policy of moderate access
7 charges to interstate telephone lines;

8 7. State regulatory authority. Support the con-
9 tinuation of state regulatory authority over the pro-
10 vision and quality of local telephone service;

11 8. Federal preemption of state and local regula-
12 tion. Oppose federal preemption of state and local
13 regulation of rates and franchises for cable televi-
14 sion;

15 9. Policy of local franchising. Support a con-
16 tinued state policy of local franchising of one-way
17 cable television service, subject to state guide-
18 lines, with appellate jurisdiction in the commission;

19 10. Coordinated development of telecommunica-
20 tions network. Encourage coordinated development of
21 the state's telecommunications network by placing or
22 clarifying jurisdiction in the Public Utilities Com-
23 mission over:

24 A. Two-way cable television, to the extent per-
25 mitted by federal law; and

26 B. Ratemaking for utility pole attachments; and

27 11. Monitor and evaluate develop-
28 ments. Continuously monitor and evaluate develop-
29 ments in the telecommunications field in order to
30 continuously develop and refine the state telecommu-
31 nications policy so that it will best serve the so-
32 cial and economic needs of the people of this State.

33 §5004. Review and update of the policy

34 1. Review; report. The joint standing committee
35 of the Legislature having jurisdiction over public
36 utilities through a telecommunications subcommittee
37 shall review the state telecommunications policy and

1 report to the Legislature its findings and recommen-
2 dations by January 1, 1985, and biennially thereafter
3 until 1989.

4 2. Assistance. The Public Utilities Commission,
5 the Public Advocate, the Bureau of Public Improve-
6 ments, the State Planning Office and the Office of
7 Legislative Assistants shall provide assistance to
8 the committee in preparation of the report specified
9 in subsection 1.

10 §5005. Implementation

11 All decisions of the Public Utilities Commission
12 affecting telecommunications shall be based upon rea-
13 sonable consideration of and application of the state
14 telecommunications policy.

15 STATEMENT OF FACT

16 This bill is a product of the telecommunication
17 study conducted by a subcommittee of the Joint Stand-
18 ing Committee on Public Utilities.

19 Because telecommunications is essential to the
20 social and economic welfare of the State, and because
21 of the rapid technical and regulatory changes in the
22 industry, a state telecommunications policy is
23 needed. That policy will serve as guidance for state
24 agencies, including regulatory agencies, as well as
25 for the private sector.

26 Under the bill, it is the policy of the State to:

- 27 1. Encourage universal telephone service;
- 28 2. Encourage installation of electronic switch-
29 ing equipment by a target date;
- 30 3. Establish moderate cost lifeline telephone
31 service;
- 32 4. Minimize the cost of telephone service, con-
33 sistent with other goals;
- 34 5. Base intrastate long distance rates on state-
35 wide averages;

1 6. Support moderate access charges to interstate
2 lines;

3 7. Support continued state regulation over local
4 telephone service;

5 8. Oppose federal preemption of state and local
6 regulation of Cable TV;

7 9. Support local franchising of Cable TV, with
8 guidelines by and appeal to the State; and

9 10. Authorize the Public Utilities Commission to
10 regulate 2-way Cable TV and pole attachments.

11 The policy is to be reviewed biennially by a
12 telecommunications subcommittee of the joint standing
13 committee of the Legislature having jurisdiction over
14 Public Utilities, with a biennial report to the Leg-
15 islature.

16 The bill also modifies the statute on Cable TV
17 regulation containing local franchising, but adding
18 state technical and procedural standards, including
19 procedural standards and adding an opportunity for
20 appeal to the commission of municipal franchising and
21 regulatory decisions.

22 Finally, the bill provides for privacy standards
23 for 2-way communications over public access channels.

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