MAINE STATE LEGISLATURE

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(EMERGENCY) FIRST REGULAR SESSION
ONE HUNDRED AND TWELFTH LEGISLATURE
Legislative Document No. 333
S.P. 118 In Senate, January 31, 1985 Submitted by the Office of Public Advocate pursuant to Joint Rule 24. Reference to the Committee on Utilities suggested and ordered printed.
JOY J. O'BRIEN, Secretary of the Senate
Presented by Senator Andrews of Cumberland. Cosponsored by Representative McHenry of Madawaska, Senator Matthews of Kennebec and Representative Weymouth of West Gardiner.
STATE OF MAINE
IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-FIVE
AN ACT to Preserve Affordable Telecommunications Equipment for Customers with Special Needs.
Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and
Whereas, since April 2, 1984, there has been pending before the Public Utilities Commission a petition for the deregulation of special telecommunications equipment for customers in the State with hearing and speech disabilities; and
Whereas, it is essential that the Public Utilities Commission retain jurisdiction over the marketing and sale of this special telecommunications equipment within the State; and

Whereas, without the creation by law of express authority for the Public Utilities Commission to retain that jurisdiction, the petition for deregulation may be granted; and

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34 35 Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

11 Be it enacted by the People of the State of Maine as 12 follows:

13 Sec. 1. 35 MRSA §15, sub-§20 is amended to read:

20. Telephone line. "Telephone line" includes all conduits, ducts, poles, wires, cables, instruments and appliances, specifically including telecommunications equipment for customers with special needs subject to the provisions of chapter 183-B, and all other real estate, fixtures and personal property owned, controlled, operated or managed in connection with or to facilitate communication by telephone, whether such that communication is had with or without the use of transmission wires.

Sec. 2. 35 MRSA c. 183-B is enacted to read:

CHAPTER 183-B

26 TELECOMMUNICATIONS EQUIPMENT FOR CUSTOMERS

WITH SPECIAL NEEDS

28 §2611. Telecommunications equipment

The Public Utilities Commission shall retain jurisdiction over the sale or lease of volume control and low speech power telephone equipment and of bone conductor receivers, pursuant to section 15, until it makes an affirmative finding, based on full consideration of an evidentiary record, that there are adequate retail outlets in the State to ensure

1 affordable and competitive pricing of this equipment 2 and its availability in sufficient quantities to satisfy the current and projected demand for that equip-3 ment by customers with hearing or speech impairments. 4 The commission shall have discretion not to regulate 6 any person or corporation whose share of the total market in the State of volume control or low speech 8 power telephone equipment or of bone conductor re-9 cervers is considered not to be substantial.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

13 STATEMENT OF FACT

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This bill ensures that the Public Utilities Commission will retain jurisdiction over special telephone equipment required by hearing-impaired and other special needs customers. Because of the break-up American Telephone and Telegraph Company and the Federal Communications Commission's deregulation of telephone equipment pricing, the future availability of volume control receivers and other special telephones, at affordable prices, is now jeopardized. The approximately 8,600 customers in the State who currently lease this equipment from American Telephone and Telegraph Company could face substantial price increases unless the commission's authority to regulate this equipment is preserved. This bill eliminates commission jurisdiction only if a regulated supplier can show there are enough retail outlets in the State to ensure competition.

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