

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 FIRST REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 333

7
8 S.P. 118

In Senate, January 31, 1985

9 Submitted by the Office of Public Advocate pursuant to Joint Rule 24.
10 Reference to the Committee on Utilities suggested and ordered printed.

11 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Andrews of Cumberland.

12 Cosponsored by Representative McHenry of Madawaska, Senator
Matthews of Kennebec and Representative Weymouth of West Gardiner.

13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-FIVE
17

18 AN ACT to Preserve Affordable
19 Telecommunications Equipment for
20 Customers with Special Needs.
21

22 **Emergency preamble.** Whereas, Acts of the Legis-
23 lature do not become effective until 90 days after
24 adjournment unless enacted as emergencies; and

25 Whereas, since April 2, 1984, there has been
26 pending before the Public Utilities Commission a pe-
27 tition for the deregulation of special telecommunica-
28 tions equipment for customers in the State with hear-
29 ing and speech disabilities; and

30 Whereas, it is essential that the Public Utili-
31 ties Commission retain jurisdiction over the market-
32 ing and sale of this special telecommunications
33 equipment within the State; and

1 Whereas, without the creation by law of express
2 authority for the Public Utilities Commission to re-
3 tain that jurisdiction, the petition for deregulation
4 may be granted; and

5 Whereas, in the judgment of the Legislature,
6 these facts create an emergency within the meaning of
7 the Constitution of Maine and require the following
8 legislation as immediately necessary for the preser-
9 vation of the public peace, health and safety; now,
10 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:

14 20. Telephone line. "Telephone line" includes
15 all conduits, ducts, poles, wires, cables, instru-
16 ments and appliances, specifically including telecom-
17 munications equipment for customers with special
18 needs subject to the provisions of chapter 183-B, and
19 all other real estate, fixtures and personal property
20 owned, controlled, operated or managed in connection
21 with or to facilitate communication by telephone,
22 whether such that communication is had with or with-
23 out the use of transmission wires.

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

25 CHAPTER 183-B

26 TELECOMMUNICATIONS EQUIPMENT FOR CUSTOMERS

27 WITH SPECIAL NEEDS

28 §2611. Telecommunications equipment

29 The Public Utilities Commission shall retain ju-
30 risdiction over the sale or lease of volume control
31 and low speech power telephone equipment and of bone
32 conductor receivers, pursuant to section 15, until it
33 makes an affirmative finding, based on full consider-
34 ation of an evidentiary record, that there are ade-
35 quate retail outlets in the State to ensure

