

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

2  
4  
6  
8  
10  
12  
14  
16  
18  
20  
22  
24  
26  
28  
30  
32  
34  
36  
38  
40  
42  
44

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
115TH LEGISLATURE  
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1134, L.D. 1659, Bill, "An Act to Protect Consumers from Unfair and Deceptive Telephone Practices"

Amend the amendment by striking out all of the first paragraph after the title (page 1, lines 17 to 20 in amendment) and inserting in its place the following:

'Amend the bill by striking out section 1.'

Further amend the amendment in the 3rd paragraph after the title in the first line (page 1, line 31 in amendment) by striking out the following: "section 8" and inserting in its place the following: 'section 7'

Further amend the amendment in the 4th paragraph after the title in the first line (page 1, line 34 in amendment) by striking out the following: "section 8" and inserting in its place the following: 'section 7'

Further amend the amendment by striking out all of that part designated "§803." and inserting in its place the following:

'§803. Disconnection prohibited

1. Prohibition. A collecting utility may not disconnect a customer's basic telephone service or send a customer any notice of basic telephone service disconnection because of a customer's failure to pay an audiotext service charge.

2. Expedited procedures. If requested by a local exchange carrier, the commission shall adopt expedited procedures to allow blocking of audiotext services by a collecting utility when a

2 customer repeatedly fails to pay charges of amounts in excess of  
3 \$500 or fails to pay undisputed charges assessed for use of  
4 audiotext services.'

6 Further amend the amendment in the 6th paragraph after the  
7 title in the first line (page 1, line 45 in amendment) by  
8 striking out the following: "section 8" and inserting in its  
9 place the following: 'section 7'

10 Further amend the amendment in the 6th paragraph after the  
11 title in the last line (page 2, line 5 in amendment) by striking  
12 out the following: "one-line and 2-line" and inserting in its  
13 place the following: 'single-line'

14 Further amend the amendment by striking out all of the 7th  
15 paragraph after the title (page 2, lines 7 to 12 in amendment)  
16 and inserting in its place the following:

18 'Further amend the bill in section 7 in that part designated  
19 "§804." in the first paragraph by inserting at the end the  
20 following: 'The commission shall review the appropriateness of  
21 this \$5 fee and shall report to the joint standing committee of  
22 the Legislature having jurisdiction over utility matters its  
23 recommendations for any change in the fee. The collecting  
24 utility may appeal to the commission for an extension to meet the  
25 requirements of this section. The commission may, for good cause  
26 shown, grant an extension.'

28 Further amend the amendment by striking out all of the 8th  
29 paragraph after the title (page 2, lines 14 and 15 in amendment)  
30 and inserting in its place the following:

32 'Further amend the bill in section 7 by striking out all of  
33 that part designated "§805." and inserting in its place the  
34 following:

36 '§805. Collection procedures

38  
39 1. Billing. A collecting utility that includes charges for  
40 audiotext services in a bill for basic telephone services must  
41 individually highlight or identify the charges for audiotext  
42 services. In addition, a collecting utility shall on a quarterly  
43 basis, either on the bill or on an insert, provide information  
44 describing the consumer's rights and responsibilities regarding  
45 audiotext services.

46  
47 2. Rules. No later than April 1, 1992 the commission must  
48 complete a rule-making proceeding to determine the bill and  
49 insert formats described in subsection 1. Collecting utilities  
50 may appeal to the commission for an extension to meet the

2 requirements of this section. The commission may, for good cause  
3 shown, grant an extension.

4 3. Special considerations. In establishing a compliance  
5 deadline and specific requirements under this section, the  
6 commission may take into account the costs incurred by the  
7 collecting utility and the utility's ability to shift those costs  
8 to carriers or providers of audiotext services.'

10 Further amend the amendment by striking out all of the 9th  
11 and 10th paragraphs after the title (page 2, lines 17 to 26 in  
12 amendment) and inserting in their place the following:

14 'Further amend the bill in section 7 by striking out all of  
15 that part designated "§806." and inserting in its place the  
16 following:

18 '§806. Complaint procedures

20 1. Review for compliance with standards. When a consumer  
21 disputes a charge for audiotext services, the collecting utility,  
22 if responsible for billing for audiotext services, must either  
23 delete the charges from the customer's bill for basic telephone  
24 service or investigate and in good faith attempt to resolve the  
25 dispute. At a minimum, "investigate and in good faith attempt to  
26 resolve the dispute" means that the collecting utility, if  
27 responsible for billing audiotext services, must require the  
28 provider or carrier to demonstrate compliance with applicable  
29 rules of the Federal Communications Commission and any applicable  
30 rules adopted by the Attorney General pursuant to the Maine  
31 Unfair Trade Practices Act.

32 2. Compliance with commission rules. The collecting  
33 utility must observe complaint procedures established by  
34 applicable commission rules.

35 3. Access to records. Collecting utilities shall afford  
36 reasonable access to all records and documents relating to  
37 consumer complaints to the commission and to the Attorney General  
38 upon request.

40 §807. Audiotext service standards

42 Any audiotext provider who does business in this State  
43 providing live or recorded solicitation programs and audiotext  
44 services must provide these programs and services in a manner  
45 that is free of extraneous sounds or other distractions that  
46 unduly delay the conveyance of the message, that is clearly  
47 audible, articulate and intelligible, and that uses plain  
48 language spoken at a normal cadence. Audiotext services must  
49 provide these programs and services in a manner that is free of  
50 extraneous sounds or other distractions that unduly delay the

2 employ the same language used in the related solicitation  
3 program.'

4 Further amend the amendment by striking out all of the 11th  
5 paragraph after the title (page 2, lines 28 and 29 in amendment)  
6 and inserting in its place the following:

8 'Further amend the bill in section 7 by renumbering the  
9 sections to read consecutively.

10 Further amend the bill by renumbering the sections to read  
11 consecutively.'

### 14 STATEMENT OF FACT

16 This amendment to the committee amendment deletes the  
17 provision of the bill that relates to credit card charges. This  
18 amendment also amends the committee amendment as follows.

20 1. The amendment amends the provision relating to  
21 disconnection of service by a collecting utility. Under this  
22 amendment a collecting utility may not disconnect or threaten to  
23 disconnect a customer's basic telephone service for failure to  
24 pay audiotext service charges. The amendment allows the Public  
25 Utilities Commission to adopt procedures to allow blocking of  
26 audiotext services when a customer repeatedly fails to pay  
27 charges of amounts in excess of \$500 or fails to pay undisputed  
28 charges assessed for use of audiotext services.

30 2. The amendment amends the provision relating to blocking  
31 of audiotext services. This provides that collecting utilities  
32 must provide one-party residential and single-line business  
33 customers with opportunities to block access to audiotext  
34 services. Collecting utilities are not required to provide this  
35 service where facilities to provide blocking are not available.  
36 Collecting utilities may seek an extension from the Public  
37 Utilities Commission to meet the requirements of this provision  
38 and the commission may grant an extension for good cause shown.  
39 This provision also requires the Public Utilities Commission to  
40 review the blocking fee.

42 3. The amendment provides certain billing requirements that  
43 collecting utilities that bill for audiotext services must  
44 observe.

46 4. The amendment amends the provision relating to complaint  
procedures. This provides that collecting utilities must observe

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1134,  
L.D. 1659

2 certain standards and rules in dealing with complaints by  
customers. It also provides that an audiotext provider must  
abide by certain standards if it does business in Maine.

4

Filed by Rep. Donnelly of Presque Isle  
Reproduced and distributed under the direction of the Clerk of the  
House  
(6/12/91) (Filing No. H-661)

12