

# MAINE STATE LEGISLATURE

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L.D. 1659

(Filing No. S-348)

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STATE OF MAINE  
SENATE  
115TH LEGISLATURE  
FIRST REGULAR SESSION

SENATE 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 customer repeatedly fails to pay undisputed charges assessed for use of audiotext services.'

STATE OF MAINE  
LEGISLATURE  
RECORDS

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

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

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

'Further amend the bill in section 7 in that part designated "§804." in the first paragraph by inserting at the end the following: 'Every 4 years, beginning on January 1, 1995, the commission shall review the appropriateness of this \$5 fee and shall report to the joint standing committee of the Legislature having jurisdiction over utility matters its recommendations for any change in the fee. The collecting utility may appeal to the commission for an extension to meet the requirements of this section. The commission may, for good cause shown, grant an extension.'

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

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

'§805. Collection procedures

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

2. Rules. No later than April 1, 1992 the commission must complete a rule-making proceeding to determine the bill and insert formats described in subsection 1. Collecting utilities may appeal to the commission for an extension to meet the requirements of this section. The commission may, for good cause shown, grant an extension.

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

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

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

13 '§806. Complaint procedures

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

26 2. Compliance with commission rules. The collecting  
27 utility must observe complaint procedures established by  
28 applicable commission rules.

29 3. Access to records. Collecting utilities shall afford  
30 reasonable access to all records and documents relating to  
31 consumer complaints to the commission and to the Attorney General  
32 upon request.

33 §807. Audiotext service standards

34 Any audiotext provider who does business in this State  
35 providing live or recorded solicitation programs and audiotext  
36 services must provide these programs and services in a manner  
37 that is free of extraneous sounds or other distractions that  
38 unduly delay the conveyance of the message, that is clearly  
39 audible, articulate and intelligible, and that uses plain  
40 language spoken at a normal cadence. Audiotext services must  
41 employ the same language used in the related solicitation  
42 program.'

SENATE  
COMMITTEE  
AMENDMENT

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

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

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

### STATEMENT OF FACT

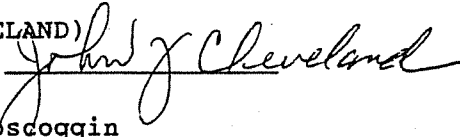
This amendment to the committee amendment deletes the  
provision of the bill that relates to credit card charges. This  
amendment also amends the committee amendment as follows.

1. The amendment amends the provision relating to  
disconnection of service by a collecting utility. Under this  
amendment a collecting utility may not disconnect or threaten to  
disconnect a customer's basic telephone service for failure to  
pay audiotext service charges. The amendment allows the Public  
Utilities Commission to adopt procedures to allow blocking of  
audiotext services when a customer repeatedly fails to pay  
undisputed charges assessed for use of audiotext services.

2. The amendment amends the provision relating to blocking  
of audiotext services. This provides that collecting utilities  
must provide one-party residential and single-line business  
customers with opportunities to block access to audiotext  
services. Collecting utilities are not required to provide this  
service where facilities to provide blocking are not available.  
Collecting utilities may seek an extension from the Public  
Utilities Commission to meet the requirements of this provision  
and the commission may grant an extension for good cause shown.  
This provision also requires the Public Utilities Commission to  
review every 4 years the blocking fee.

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

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

(Senator CLEVELAND)  
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