

# MAINE STATE LEGISLATURE

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

COMMITTEE AMENDMENT "A" to H.P. 1219, L.D. 1777, Bill, "An Act to Deregulate Mobile Telecommunications Services"

Amend the bill by striking out all of section 1 and inserting in its place the following:

'Sec. 1. 35-A MRSA §102, sub-§9-A is enacted to read:

9-A. Mobile telecommunications services. "Mobile telecommunications services" means telecommunications services licensed by the Federal Communications Commission for mobile use.'

Further amend the bill by striking out all of section 2 and inserting in its place the following:

'Sec. 2. 35-A MRSA §102, sub-§13, as enacted by PL 1987, c. 141, Pt. A, §6, is repealed and the following enacted in its place:

13. Public utility. "Public utility" includes every gas utility, natural gas pipeline utility, electric utility, telephone utility, telegraph utility, water utility, public heating utility and ferry, as those terms are defined in this section, and each of those utilities is declared to be a public utility. "Public utility" does not include the operation of a radio paging service, as that term is defined in this section, or mobile telecommunications services unless only one entity or an affiliated interest of that entity, as defined in section 707, subsection 1, paragraph A, exclusively controls the use of the radio frequency spectrum assigned by the Federal Communications Commission to provide mobile service to the service area.

Nothing in this subsection precludes:

A. The jurisdiction, control and regulation by the commission pursuant to private and special act of the Legislature;

2 B. The commission's jurisdiction and control over and  
3 regulation of a public utility that provides, in addition to  
4 other services, radio paging service or mobile  
5 telecommunications services;

6 C. The commission's jurisdiction and control over and  
7 regulation of basic exchange telephone service offered by a  
8 provider of mobile telecommunications services if, after  
9 investigation and hearing, the commission determines that  
10 the provider is engaged in the provision of basic exchange  
11 telephone service; and

12 D. Negotiations for, or negates agreements or arrangements  
13 existing on the effective date of this paragraph relating  
14 to, rates, terms and conditions for interconnection provided  
15 by a telephone utility to a company providing radio paging  
16 or mobile telecommunications services.

17 **Sec. 3. 35-A MRSA §102, sub-§14, as enacted by PL 1987, c.**  
18 **141, Pt. A, §6, is amended to read:**

19 **14. Radio common carrier. "Radio common carrier" means a**  
20 **telephone-utility an entity that communicates--solely provides**  
21 **communications services primarily by use of radio or other**  
22 **wireless means.'**

23 Further amend the bill in section 4 in that part designated  
24 "§8901." in the first paragraph in the 2nd line (page 2, line 10  
25 in L.D.) by inserting after the following: "services" the  
26 following: 'in addition to public utility services'

27 Further amend the bill in section 4 in that part designated  
28 "§8901." in the first paragraph in the 3rd and 4th lines (page 2,  
29 lines 11 and 12 in L.D.) by striking out the following:  
30 "subsidiary, the creation of which" and inserting in its place  
31 the following: 'subsidiary for that purpose. The creation of a  
32 subsidiary'

33 Further amend the bill by renumbering the sections to read  
34 consecutively.

35 Further amend the bill by inserting before the statement of  
36 fact the following:

37 **FISCAL NOTE**

38 This bill deregulates mobile telecommunications services,  
39 including cellular services. Since the Public Utilities  
40 Commission currently allocates minimal resources to regulating  
41 these entities, their deregulation will produce only minimal  
42 savings.'

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STATEMENT OF FACT

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This amendment makes certain language changes for clarity.

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This amendment makes the following substantive changes:

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1. Allows the Public Utilities Commission to regulate basic exchange telephone service offered by providers of mobile telecommunications services; and

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2. Clarifies that agreements between telephone utilities and radio paging or mobile telecommunication service providers are unaffected by the deregulation of radio paging or mobile telecommunication services.

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This amendment also adds a fiscal note.

Reported by the Committee on Utilities  
Reproduced and distributed under the direction of the Clerk of the  
House  
(5/22/91) (Filing No. H-411)