

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 1777

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H.P. 1219

House of Representatives, May 3, 1991

Submitted by the Public Utilities Commission pursuant to Joint Rule 24.  
Reference to the Committee on Utilities suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative CLARK of Millinocket.

Cosponsored by Senator VOSE of Washington, Senator CARPENTER of York and  
Representative AIKMAN of Poland.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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**An Act to Deregulate Mobile Telecommunications Services.**

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

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

6       **9-A. Mobile telecommunications services.** "Mobile telecommunications services" means services licensed by the Federal Communications Commission for mobile use when the customer station engaged in the communications is capable of being moved and ordinarily does move.

10       **Sec. 2. 35-A MRSA §102, sub-§§13 and 14,** as enacted by PL 1987, c. 141, Pt. A, §6, are amended to read:

14       **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, as that term is defined in this section, provided by an entity pursuant to 47 Code of Federal Regulations, Part 22, Subparts G, K and L, as long as any one entity or an affiliate of that entity does not exclusively control 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 the jurisdiction, control and regulation by the commission of a public utility that in addition to other services provides radio paging service or mobile telecommunications services. Nothing in this subsection precludes the jurisdiction, control and regulation by the commission pursuant to private and special act of the Legislature.

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

40       **Sec. 3. 35-A MRSA §2102, sub-§2,** as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

42       **2. Approval not required.** Except as provided in section 2104, the commission's approval is not required for a public utility to furnish service in any municipality in which that public utility is furnishing service on October 8, 1967. Approval is not required for the operation of a radio paging service or mobile telecommunications services. Approval is not required for an electric utility to sell and distribute electricity to any other electric utility.

2                   **Sec. 4. 35-A MRSA c. 89** is enacted to read:

4   **CHAPTER 89**

6   **MOBILE TELECOMMUNICATIONS SERVICES**

8                   **§8901. Separate accounting required**

10                   Any public utility that provides mobile telecommunications  
12                   services shall maintain a separate set of accounting records with  
14                   respect to those services or establish a separate subsidiary, the  
16                   creation of which is subject to commission approval under section  
18                   708, subsection 2. The commission may exempt a public utility  
20                   from this requirement for good cause. The commission has  
22                   jurisdiction over the manner in which joint and common costs,  
24                   investments, overhead and expenses are allocated between mobile  
26                   telecommunications services and public utility services.

20   **STATEMENT OF FACT**

22                   This bill deregulates mobile telecommunications services  
24                   that include cellular services. The bill creates special  
26                   requirements for providers of mobile telecommunications services  
when those services are provided by a public utility.