

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1162

H.P. 831

House of Representatives, April 4, 1995

An Act Regarding Cable Television.

Reference to the Committee on Utilities and Energy suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative ADAMS of Portland.

Cosponsored by Representatives: KONTOS of Windham, LEMAIRE of Lewiston, Senators:
BUTLAND of Cumberland, CARPENTER of York, ESTY of Cumberland.

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

2 **Sec. 1. 30-A MRSA §3008, sub-§7** is enacted to read:

4 7. Authority to establish fees and impose conditions. A
6 municipality may require any company providing cable television
8 services or video dial tone services to pay reasonable fees to
10 the municipality based upon a percentage of gross receipts in
that municipality to the extent consistent with applicable rules
and regulations of the Federal Communications Commission, as
amended.

12 **Sec. 2. 30-A MRSA §3010, sub-§3**, as enacted by PL 1989, c.
14 352, is repealed and the following enacted in its place:

16 3. Franchise document clearinghouse. Each franchisee shall
18 file a copy of the following documents with the Department of the
Secretary of State, Corporations Division:

20 A. A copy of the franchise within 60 days of the granting
22 of an initial franchise or any franchise renewal;

24 B. Annually, and within 30 days of any new franchise
opening for business in the State, a statement containing
26 the names of the owners of each franchise, corporate or
personal, with an address and telephone number for each and
28 a statement of the percentage of each franchise that is
publicly or corporately held;

30 C. If not incorporated within the State, a copy of the
corporation's annual report required to be filed in the
32 state in which the franchise is incorporated, listing at a
minimum all officers and directors of the corporation and,
34 if there are no directors, the listed shareholders; and

36 D. Within 30 days of the exchange, sale or transfer of more
than 5% of any franchise doing business within the State, a
38 form containing the date of the transfer and the names,
addresses and telephone numbers of the transferors and
40 transferees.

42 The Department of the Secretary of State may set any necessary
44 fees for those franchises not incorporated within the State.

46 **Sec. 3. 30-A MRSA §3010, sub-§6-C** is enacted to read:

48 6-C. Scrambling prohibited. A cable television system
operator may not scramble any cable programming service tier,
50 other than pay-per-view or premium services, if the scrambling
would required the subscriber to have a home terminal, converter

2 box, device, system or other equipment in order to receive the
3 cable programming service.

4 **Sec. 4. Introduction of legislation authorized.** The Joint Standing
5 Committee on Utilities and Energy shall review all rules
6 promulgated by the Federal Communications Commission pursuant to
7 the federal Cable Television Consumer Protection and Competition
8 Act of 1992, Public Law 102-385. The committee shall report out
9 legislation to the Second Regular Session of the 117th
10 Legislature containing the statutory provisions determined
11 necessary by the committee to implement the regulatory authority
12 granted to the State by that Act, and by the rules promulgated
13 pursuant to it, including, if necessary, provisions petitioning
14 the Federal Communications Commission for authority to regulate
15 cable television systems in the State.

18 **STATEMENT OF FACT**

19 This bill prohibits cable companies from scrambling any
20 cable service, other than pay-per-view or premium services.

21 This bill also allows a municipality to require a cable
22 company to pay a percentage of the company's gross receipts to
23 the municipality.

24 The bill also instructs the Joint Standing Committee on
25 Utilities and Energy to monitor federal regulations promulgated
26 pursuant to the federal Cable Television Consumer Protection and
27 Competition Act of 1992, and authorizes the committee to report
28 legislation to the Second Regular Session of the 117th
29 Legislature to take necessary state implementation actions.
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