

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1997

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Legislative Document

No. 1926

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S.P. 691

In Senate, December 8, 1997

**An Act to Provide Additional Time for the Public Utilities Commission  
to Adopt Certain Rules.**

(EMERGENCY)

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Submitted by the Public Utilities Commission pursuant to Joint Rule 204.

Received by the Secretary of the Senate on December 8, 1997. Referred to the Committee on Utilities and Energy and ordered printed pursuant to Joint Rule 308.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator CAREY of Kennebec.

2           **Emergency preamble.** Whereas, Acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
as emergencies; and

4           Whereas, current law requires the Public Utilities  
6 Commission to submit certain major substantive rules for  
legislative review by January 1, 1998; and

8           Whereas, additional time is needed to prepare those rules;  
10 and

12           Whereas, in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
14 Maine and require the following legislation as immediately  
necessary for the preservation of the public peace, health and  
16 safety; now, therefore,

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

20           **Sec. 1. 35-A MRSA §2102, sub-§3,** as enacted by PL 1997, c.  
118, §1, is amended to read:

22           **3. Exemption for certain telephone utilities.** The  
24 commission by rule may exempt a specified telephone utility or  
group of telephone utilities from obtaining the approval required  
26 by subsection 1 if the commission finds that the exemption will  
not result in unjust or unreasonable rates or inadequate service  
28 for any telephone utility customers. The commission may limit  
the exemption to specified geographic areas. For good cause, as  
30 provided in the rule establishing the exemption, the commission  
may revoke an exemption in whole or in part, including an  
32 exemption granted to a single telephone utility. A telephone  
utility that is exempt from the approval requirement of  
34 subsection 1:

36           A. Before commencing service, shall notify the commission  
of its intent to commence the exempted service and provide  
38 any other information the commission may require;

40           B. Shall obtain the approval of the commission under  
subsection 1 to provide any service other than the services  
42 specified in the exemption granted by the commission under  
this subsection; and

44           C. Remains subject to any other applicable provisions of  
46 this Title and commission rules.

48 Rules adopted pursuant to this subsection are major substantive  
rules as defined in Title 5, chapter 375, subchapter II-A and  
50 must be submitted to the Joint Standing Committee on Utilities  
and Energy by January 1, ~~1998~~ 1999.

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