

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 776

H.P. 575

House of Representatives, February 18, 2003

**An Act To Eliminate Potential Restrictions to the Establishment of
an Alternative Form of Regulation for Some Telephone Utilities**

(EMERGENCY)

Submitted by the Public Utilities Commission pursuant to Joint Rule 204.
Reference to the Committee on Utilities and Energy suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BLISS of South Portland.
Cosponsored by Senator HALL of Lincoln and
Representatives: BERRY of Belmont, GOODWIN of Pembroke.

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

4
6 **Whereas,** the Maine Revised Statutes, Title 35-A, section
9104 contains provisions that might be read as a restriction that
allowed the Public Utilities Commission to establish an
8 alternative form of regulation only during a time period in 1995
and 1996 and that are otherwise obsolete; and

10
12 **Whereas,** the Public Utilities Commission and at least one
telephone utility are engaged in discussions that may lead to the
establishment of an alternative form of regulation for that
14 company; and

16 **Whereas,** if such discussions are fruitful, an alternative
form of regulation would be established prior to June of 2003; and

18
20 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
22 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

26 **Sec. 1. 35-A MRSA §9104.** as enacted by PL 1993, c. 638, §2,
28 is repealed.

30 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.

32
34

SUMMARY

36 This bill repeals a section of law that states that, if the
Public Utilities Commission concludes a proceeding establishing
38 an "alternative form of regulation" for a telephone utility
before certain dates in 1995 and 1996, the alternative form of
40 regulation would become effective following the legislative
sessions of those years, thereby allowing an alternative form of
42 regulation for telephone utilities for which the commission has
not yet established an alternative form of regulation.