

MAINE STATE LEGISLATURE

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R.O.S.

L.D. 1101

DATE: 4/27/05

(Filing No. H-199)

UTILITIES AND ENERGY

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE HOUSE OF REPRESENTATIVES 122ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 754, L.D. 1101, Bill, "An Act To Designate Pay Phone Locations in the Public Interest"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 35-A MRSA §7104, sub-§6 is enacted to read:

6. Public-interest pay phone support. The commission may require contributions to a state universal service fund established pursuant to this section in an amount sufficient to collect up to \$50,000 each year to fund public-interest pay phones pursuant to section 7508. The commission shall maintain an accounting of all funds contributed to the state universal service fund pursuant to this subsection and all funds expended pursuant to section 7508. Funds contributed to the state universal service fund pursuant to this subsection may be expended only for the purposes of section 7508.

Sec. 2. 35-A MRSA §7508 is enacted to read:

§7508. Public-interest pay phones

1. Public-interest pay phone locations. In order to ensure access to pay phones in a manner that fulfills the requirements of the public health, safety and welfare, the commission shall establish by rule a process for reviewing and approving requests for public-interest pay phones in accordance with this section.

A. The commission shall establish procedures by which citizens may petition to have a public-interest pay phone at a particular location.

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2 B. Consistent with the following general criteria, the
3 commission shall establish procedures and standards for
4 responding to a petition for a public-interest pay phone.

6 (1) A proposed public-interest pay phone must fulfill
7 a public welfare, health or safety policy objective.

8 (2) A pay phone would not otherwise remain or be
9 placed at a proposed public-interest pay phone location
10 by the operation of the competitive marketplace.

11 C. A public-interest pay phone may not be removed from
12 service unless its owner provides written notice to the
13 commission 30 days prior to removal, except that the
14 commission, pursuant to rules adopted under this section,
15 may grant a waiver of this requirement.

16 2. Recovery of costs. The costs associated with installing
17 and maintaining public-interest pay phones pursuant to this
18 section must be paid from funds available pursuant to section
19 7104, subsection 6.

20 3. Rules. The commission shall adopt rules that are routine
21 technical rules pursuant to Title 5, chapter 375, subchapter 2-A
22 to implement this section.

23 4. Report. Annually prior to February 1st, the commission
24 shall provide a report to the joint standing committee of the
25 Legislature having jurisdiction over utilities and energy matters
26 detailing activities undertaken pursuant to this section. The
27 report must include information on the number of petitions for
28 public-interest pay phones the commission has received, the
29 number of such pay phones the commission has approved and the
30 amount of available funds expended.

31 Sec. 3. Authority to report out legislation. The joint standing
32 committee of the Legislature having jurisdiction over utilities
33 and energy matters may report out legislation to the First
34 Regular Session of the 123rd Legislature concerning
35 public-interest pay phones.'

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SUMMARY

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39 This amendment replaces the bill. The amendment directs the
40 Public Utilities Commission to establish by rule a process for
41 providing for public-interest pay phones. The commission is
42 directed to establish procedures for citizens to petition for

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public-interest pay phones and standards for reviewing such petitions. A proposed public-interest pay phone must fulfill a public health, safety or welfare policy objective, and the commission must find that a pay phone would not otherwise remain or be placed at a proposed public-interest pay phone location by the operation of the competitive marketplace. Funding for these pay phones is limited to \$50,000 per year. Funding is through required contributions by providers of intrastate telecommunications services to a state universal service fund.

The Public Utilities Commission is required to provide annual reports to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters on public-interest pay phones, and the committee is authorized to report out legislation to the First Regular Session of the 123rd Legislature.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



Approved: 04/10/05 *MAC*

122nd MAINE LEGISLATURE

LD 1101

LR 0304(02)

An Act to Designate Pay Phone Locations in the Public Interest

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Utilities and Energy

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Costs associated with adopting rules can be absorbed by the Public Utilities Commission utilizing existing budgeted resources.