

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 992

H.P. 687

House of Representatives, March 18, 2015

An Act To Regulate Standards of Service for Mobile Telecommunications Services and Broadband Services

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative KUMIEGA of Deer Isle.
Cosponsored by Senator JOHNSON of Lincoln and
Representatives: BEEBE-CENTER of Rockland, BLACK of Wilton, DeCHANT of Bath,
TIPPING-SPITZ of Orono.

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

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

3 **1-A. Broadband service provider.** "Broadband service provider" means a
4 communications service provider that offers a 2-way, always-on, communications service
5 that provides access to public data networks and the Internet, but does not include a
6 mobile telecommunications service provider.

7 **Sec. 2. 35-A MRSA §1508-A, sub-§1,** as amended by PL 2011, c. 623, Pt. B, §5,
8 is further amended to read:

9 **1. Penalty.** Unless otherwise specified in law, the commission may, in an
10 adjudicatory proceeding, impose an administrative penalty as specified in this section.

11 A. For willful violations of this Title, a commission rule or a commission order by a
12 public utility, voice service provider, dark fiber provider, wholesale competitive local
13 exchange carrier, mobile telecommunications service provider, broadband service
14 provider or a competitive electricity provider, the commission may impose an
15 administrative penalty for each violation in an amount that does not exceed \$5,000 or
16 .25% of the annual gross revenue that the public utility, voice service provider, dark
17 fiber provider, wholesale competitive local exchange carrier, mobile
18 telecommunications service provider, broadband service provider or the competitive
19 electricity provider received from sales in the State, whichever amount is lower.
20 Each day a violation continues constitutes a separate offense. The maximum
21 administrative penalty for any related series of violations may not exceed \$500,000 or
22 5% of the annual gross revenue that the public utility, voice service provider, dark
23 fiber provider, wholesale competitive local exchange carrier, mobile
24 telecommunications service provider, broadband service provider or the competitive
25 electricity provider received from sales in the State, whichever amount is lower.

26 B. For a violation in which a public utility, voice service provider, dark fiber
27 provider, wholesale competitive local exchange carrier, mobile telecommunications
28 service provider, broadband service provider or a competitive electricity provider was
29 explicitly notified by the commission that it was not in compliance with the
30 requirements of this Title, a commission rule or a commission order and that failure
31 to comply could result in the imposition of administrative penalties, the commission
32 may impose an administrative penalty that does not exceed \$500,000.

33 C. The commission may impose an administrative penalty in an amount that does not
34 exceed \$1,000 on any person that is not a public utility, voice service provider, dark
35 fiber provider, wholesale competitive local exchange carrier, mobile
36 telecommunications service provider, broadband service provider or a competitive
37 electricity provider and that violates this Title, a commission rule or a commission
38 order. Each day a violation continues constitutes a separate offense. The
39 administrative penalty may not exceed \$25,000 for any related series of violations.

40 D. In addition to the administrative penalties authorized by this subsection, the
41 commission may require disgorgement of profits or revenues realized as a result of a
42 violation of this Title, a commission rule or a commission order.

1 implement these provisions. Lastly, this bill requires that the Public Utilities Commission
2 report to the Joint Standing Committee on Energy, Utilities and Technology on the
3 progress made in the implementation of these provisions and include in the report
4 legislation necessary to accomplish the purposes of this bill. The Joint Standing
5 Committee on Energy, Utilities and Technology may report out a bill to the Second
6 Regular Session of the 127th Legislature.