

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

| | 1991-92 | 1992-93 |
|---|--------------|--------------|
| PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF | | |
| Nursing Home Administrators Licensing Board | | |
| Personal Services | \$420 | \$420 |
| All Other | 500 | 500 |
| Provides funds for the per diem and expenses of an additional board member. | | |
| DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION | | |
| TOTAL | <u>\$920</u> | <u>\$920</u> |

See title page for effective date.

CHAPTER 342

H.P. 1219 - L.D. 1777

An Act to Deregulate Mobile Telecommunications Services

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

Sec. 1. 35-A MRSA §102, sub-§9-A is enacted to read:

9-A. Mobile telecommunications services. “Mobile telecommunications services” means telecommunications services licensed by the Federal Communications Commission for mobile use.

Sec. 2. 35-A MRSA §102, sub-§13, as enacted by PL 1987, c. 141, Pt. A, §6, is repealed and the following enacted in its place:

13. Public utility. “Public utility” includes every gas utility, natural gas pipeline utility, electric utility, telephone utility, telegraph utility, water utility, public heating utility and ferry, as those terms are defined in this section, and each of those utilities is declared to be a public utility. “Public utility” does not include the operation of a radio paging service, as that term is defined in this section, or mobile telecommunications services unless only one entity or an affiliated interest of that entity, as defined in section 707, subsection 1, paragraph A, exclusively controls the use of the radio frequency spectrum assigned by the Federal Communications Commission to provide mobile service to the service area.

Nothing in this subsection precludes:

A. The jurisdiction, control and regulation by the commission pursuant to private and special act of the Legislature;

B. The commission’s jurisdiction and control over and regulation of a public utility that provides, in addition to other services, radio paging service or mobile telecommunications services;

C. The commission’s jurisdiction and control over and regulation of basic exchange telephone service offered by a provider of mobile telecommunications services if, after investigation and hearing, the commission determines that the provider is engaged in the provision of basic exchange telephone service; and

D. Negotiations for, or negates agreements or arrangements existing on the effective date of this paragraph relating to, rates, terms and conditions for interconnection provided by a telephone utility to a company providing radio paging or mobile telecommunications services.

Sec. 3. 35-A MRSA §102, sub-§14, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

14. Radio common carrier. “Radio common carrier” means a telephone utility an entity that communicates solely provides communications services primarily by use of radio or other wireless means.

Sec. 4. 35-A MRSA §2102, sub-§2, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

2. Approval not required. Except as provided in section 2104, the commission’s approval is not required for a public utility to furnish service in any municipality in which that public utility is furnishing service on October 8, 1967. Approval is not required for the operation of a radio paging service or mobile telecommunications services. Approval is not required for an electric utility to sell and distribute electricity to any other electric utility.

Sec. 5. 35-A MRSA c. 89 is enacted to read:

CHAPTER 89

MOBILE TELECOMMUNICATIONS SERVICES

§8901. Separate accounting required

Any public utility that provides mobile telecommunications services in addition to public utility services shall maintain a separate set of accounting records with respect to those services or establish a separate subsidiary for that purpose. The creation of a subsidiary is subject to commission approval under section 708, subsection 2. The commission may exempt a public utility from this requirement for good cause. The commission has jurisdiction over the manner in which joint and common costs, investments, overhead and expenses are allocated between mobile telecommunications services and public utility services.

See title page for effective date.