

MAINE STATE LEGISLATURE

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STATE OF MAINE
115TH LEGISLATURE

FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
UTILITIES

AUGUST 1991

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**ONE HUNDRED AND FIFTEENTH LEGISLATURE
FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION
JOINT STANDING COMMITTEE
BILL SUMMARIES
AUGUST 1991**

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

All adopted amendments are listed, by paper number (e.g., H - 584 or S - 222), together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

PUBLIC XXX	<i>Chapter # of enacted Public Law</i>
P&S XXX	<i>Chapter # of enacted Private & Special Law</i>
RESOLVE XXX	<i>Chapter # of enacted Resolve</i>
CON RES XXX	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
EMERGENCY	<i>Enacted law takes effect sooner than 90 days</i>
CARRIED OVER	<i>Bill carried over to 2nd Session</i>
FAILED EMERGENCY ENACTMENT	<i>Bill failed to get 2/3 vote</i>
ONTP	<i>Ought Not to Pass report accepted</i>
LVWD	<i>Leave to Withdraw report accepted</i>
INDEF PP	<i>Bill Indefinitely Postponed</i>
DIED BETWEEN BODIES	<i>House & Senate disagree; bill died</i>
VETO SUSTAINED	<i>Legislature failed to override Governor's Veto</i>
UNSIGNED	<i>Not signed by Governor within 10 days</i>
DIED ON ADJOURNMENT	<i>Action incomplete when 1st session ended</i>

These summaries were prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

If you have any suggestions or comments on these summaries, please let us know.

LD 1649 An Act to Promote the Access of Cable Television to Maine Citizens

CARRIED OVER

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CLARK H PRAY CARPENTER MORRISON		

SUMMARY

This bill proposes to alter the law regarding the granting of exclusive versus nonexclusive franchises for the placement and maintenance of cable television systems. It also proposes to require that all nonexclusive franchises in one municipality have equally favorable or burdensome terms. Finally, it proposes to establish an explicit statutory formula by which the Public Utilities Commission would be required, in instances where the commission exercises jurisdiction, to determine pole attachment rates paid by cable television systems to utilities.

LD 1659 An Act to Protect Consumers from Unfair and Deceptive Telephone Practices

PUBLIC 524

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
ADAMS KONTOS MORRISON CLEVELAND	OTP-AM	H-410 S-348 CLEVELAND

SUMMARY

This bill regulates collection of charges for audiotext (900-number and similar pay-per-call services) by local telephone companies; prohibits disconnection for nonpayment of audiotext or 900-number charges; and requires provision of a "blocking service," whereby consumers can elect to block access to audiotext or 900-number services from their telephones.

In addition, the bill limits the number of automated telephone solicitation calls that may be made to a given telephone number during an 8-hour period and requires users of automated telephone solicitation devices to file transcripts of their solicitation messages. The bill also amends laws relating to creditor's remedies, consumer sales and transient sales to prohibit sellers from making misrepresentations, creating false impressions or giving false promises.

The bill proposed to require audiotext providers to register with the Department of Professional and Financial Regulation. The bill proposed to establish certain detailed standards which a telephone utility would be required to apply in the case of a disputed audiotext charge to determine whether adjustment of the charge was warranted. The bill proposed to establish detailed audiotext billing standards. The bill proposed to prohibit home solicitation salespersons from placing a charge on a consumer's credit card prior to the consumer reading and signing a contract.

The committee amendment (H-410) refines the definition of audiotext services to clarify that toll calls are excluded. It clarifies the prohibition on disconnection of service for nonpayment of audiotext services to make it clear it applies only to disconnection of basic telephone service. It amends the collection procedures provision of the bill to allow telephone utilities the option of simply deleting disputed audiotext service charges from a customer's bill rather than completing an analysis of the disputed charges. It reworks the requirement that collecting utilities offer audiotext service blocking; utilities are exempted if they lack access to facilities to provide such blocking. It eliminates the provisions of the bill dealing with billing standards and with registration of audiotext providers.

The committee amendment proposed to rework the blocking service provision to require blocking service be immediately available to one-party residential and one-line and 2-line business telephones, and to delay when blocking service would be required to be available to multi-line businesses.

The Senate amendment (S-348) strikes the provision in the bill relating to credit card charges. It provides for the adoption of procedures to allow a local exchange carrier to block access to audiotext services for a customer's repeated failure to pay undisputed charges. It requires blocking to be available to one-party residential and single-line business customers. It requires the Public Utilities Commission every four years to review the fee for blocking audiotext services. It requires telephone utilities separately to identify audiotext service charges and requires the commission to establish rules on billing format. It reworks the complaint procedures which a telephone utility must follow when a customer disputes audiotext service charges, but retains the provision which allows the utility simply to delete the charges. It establishes audiotext service standards.

LD 1660 An Act to Establish the Electric Facilities Siting Council

CARRIED OVER

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CLARK H COLLINS BALDACCI MORRISON		

SUMMARY

This bill proposes to establish the Electric Facilities Siting Council which would grant or deny an electric utility's application for a facility siting "certificate". The certificate would be in lieu of all other state and local approvals, permits, certifications or conditions for construction operation or maintenance of the facility, except that it would be in addition to a Public Utilities Commission certificate indicating technical need for the facility (as opposed to the present commission certificate of public convenience which involves a broad range of considerations and analyses). The certificate would be issued by the Electric Facilities Siting Council composed of the members of the Public Utilities Commission, the Commissioner of Conservation, the Commissioner of Environmental Protection, the Director of the State Planning Office and a representative of municipal interests affected by the proposed facilities. Once a certificate was issued by the Council, the electric utility would be granted the power of eminent domain to take the land for the facility, which would then be required to be used by the utility within one year or the utility's rights under the taking would cease.

LD 1684 Resolve, to Establish a Commission to Study the Effects of Higher Utility Charges on Nonprofit Institutions

ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
MATTHEWS BOST CLARK H	ONTP	

SUMMARY

This bill proposed to establish a commission to study the effects of higher utility charges on nonprofit institutions, including religious institutions and whether it would be feasible for these charges to be reduced for those institutions. This bill was voted unfavorably by the committee because the Public Utilities Commission was currently actively addressing the issue of demand charges (by raising the kilowatt usage threshold for when the charges could be imposed) which was the key issue of concern sought to be addressed by the bill.