



# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 992

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H.P. 687

House of Representatives, March 18, 2015

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

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

A handwritten signature in cursive script that reads "R 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           **Sec. 3. 35-A MRSA §8903** is enacted to read:

2           **§8903. Regulation of mobile telecommunications service providers and broadband**  
3    **service providers**

4           Notwithstanding any other provisions of this Title, the commission may by rule  
5           establish service standards for mobile telecommunications service providers and  
6           broadband service providers, investigate consumer complaints and impose a penalty  
7           under section 1508-A for a violation of the adopted standards. The commission shall by  
8           rule establish a reasonable assessment on mobile telecommunications service providers  
9           and broadband service providers to fund commission activities related to this section.

10           **1. Rules.** The commission shall adopt rules to implement this section. Rules adopted  
11           under this subsection are major substantive rules as described in Title 5, chapter 375,  
12           subchapter 2-A.

13           **2. Nonlapsing fund.** There is established a nonlapsing, interest-earning fund to  
14           carry out the purposes of this section. All funds collected by the commission from  
15           assessments on mobile telecommunications service providers and broadband service  
16           providers must be deposited in the fund to be used solely by the commission to fund  
17           commission activities related to this section.

18           **Sec. 4. Maine Revised Statutes headnote amended; revision clause.** In the  
19           Maine Revised Statutes, Title 35-A, chapter 89, in the chapter headnote, the words  
20           "mobile telecommunications services" are amended to read "mobile telecommunications  
21           services and broadband service providers" and the Revisor of Statutes shall implement  
22           this revision when updating, publishing or republishing the statutes.

23           **Sec. 5. Report.** By January 15, 2016, the Public Utilities Commission shall  
24           provide the Joint Standing Committee on Energy, Utilities and Technology with an  
25           update on the progress made in the implementation of the Maine Revised Statutes, Title  
26           35-A, section 8903. The report must include legislation necessary to accomplish the  
27           purposes of Title 35-A, section 8903. After receiving the report, the Joint Standing  
28           Committee on Energy, Utilities and Technology may report out a bill to the Second  
29           Regular Session of the 127th Legislature.

30    **SUMMARY**

31           This bill defines the term "broadband service provider." This bill provides authority  
32           for the Public Utilities Commission to regulate service standards for providers of mobile  
33           telecommunications services and broadband services and to investigate consumer  
34           complaints. This bill also allows the Public Utilities Commission, through an  
35           adjudicatory proceeding, to assess an administrative penalty on a mobile  
36           telecommunications service provider or broadband service provider for violations of  
37           standards adopted by the Public Utilities Commission. The bill allows the Public Utilities  
38           Commission to establish a reasonable assessment on providers to implement these  
39           provisions. This bill creates a nonlapsing fund for assessments. This bill provides the  
40           authority for the Public Utilities Commission to enact major substantive rules to

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.