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**ENERGY, UTILITIES AND TECHNOLOGY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
131ST LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1240, L.D. 1932, “An Act to Require Broadband Internet Access Service Providers to Prorate Customer Bills”

Amend the bill by striking out everything after the enacting clause and inserting the following:

**'Sec. 1. 10 MRSA c. 237** is enacted to read:

**CHAPTER 237**

**BROADBAND INTERNET ACCESS SERVICE**

**§1500-U. Broadband Internet access service**

**1. Definitions.** As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Broadband Internet access service" or "service" means a mass-market retail service by wire that provides the capability to transmit data to and receive data from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the service, excluding dial-up Internet access service.

B. "Customer" means a current or former subscriber of broadband Internet access service.

C. "Provider" means a person that provides broadband Internet access service.

**2. Service cancellation.** A provider in the State shall provide a customer with a pro rata credit or rebate for the days of the monthly billing period after the cancellation of broadband Internet access service if that customer requests cancellation of service 3 or more working days before the end of the monthly billing period. A customer is not eligible to receive a pro rata credit or rebate under this subsection if the customer fails to return equipment of the provider related to the provision of broadband Internet access service.

**COMMITTEE AMENDMENT**

1 **3. Interruption of service.** If broadband Internet access service to a customer is  
2 interrupted for 6 or more consecutive hours in a single billing period, the provider shall:

3 A. Notify the customer of the reason for the interruption in service; and

4 B. If the interruption in service is not caused by an act beyond the reasonable control  
5 of the provider, provide the customer with a pro rata credit or rebate during the billing  
6 period following the interruption. An act beyond the reasonable control of the provider  
7 includes, but is not limited to:

8 (1) A natural event, including, but not limited to, a fire, explosion, storm, hurricane,  
9 tornado, earthquake or flood;

10 (2) The actions of a 3rd party not working on behalf of the provider, including, but  
11 not limited to, the operation of a motor vehicle or excavation activities; and

12 (3) An interruption in service due to customer-owned equipment, customer wiring  
13 or the malfunction of equipment not owned by the provider on a utility pole.

14 **4. Notice to customers.** A provider shall include on each customer bill for broadband  
15 Internet access service a notice regarding the customer's right to a pro rata credit or rebate  
16 for interruption of service in accordance with subsection 3 or cancellation of service in  
17 accordance with subsection 2. The notice must include a toll-free telephone number and a  
18 telephone number accessible by a teletypewriter device or TTY for contacting the provider  
19 regarding the pro rata credit or rebate. The notice must be in nontechnical language,  
20 understandable by the general public and printed in a prominent location on the bill in  
21 boldface type.

22 **5. Unfair trade practice violations.** A violation of this chapter constitutes a violation  
23 of the Maine Unfair Trade Practices Act.'

24 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
25 number to read consecutively.

## 26 SUMMARY

27 This amendment replaces the bill and does the following.

28 1. It moves the statutory allocation from the Maine Revised Statutes, Title 35-A to  
29 Title 10 and specifies that a violation of the provisions enacted in the amendment  
30 constitutes a violation of the Maine Unfair Trade Practices Act.

31 2. It defines "broadband Internet access service" to exclude wireless and dial-up  
32 Internet access service and updates the definitions of "customer" and "provider" from the  
33 bill to reference that definition.

34 3. It provides that a customer is not eligible to receive a pro rata credit or rebate for  
35 service cancellation if the customer fails to return equipment of the provider related to the  
36 provision of broadband Internet access service.

37 4. It requires a provider to notify a customer of the reason for an interruption of  
38 broadband Internet access service if the service is interrupted for 6 or more consecutive  
39 hours in a single monthly billing period. If the interruption in service is not caused by an  
40 act beyond the reasonable control of the provider, the provider must provide the customer  
41 with a pro rata credit or rebate during the billing period following the interruption.