

§3010. Consumer rights and protection relating to services provided by video service providers

This section applies to every franchisee. For purposes of this section, "franchisee" means a video service provider that is granted a franchise by a municipality in accordance with section 3008. For purposes of this section, "cable system operator," "cable television service" and "video service provider" have the same meanings as in section 3008, subsection 1-A, except that "video service provider" includes a cable system operator that is a multichannel video programming distributor as defined in 47 United States Code, Section 522(13). For purposes of this section, "originator" means a local unit of government or the entity to which a local unit of government has assigned responsibility for managing public, educational and governmental access channels. [PL 2023, c. 502, §17 (AMD).]

1. Credits and refunds for interruption of service. Credits and refunds for interruption of video services provided by a franchisee must be as follows.

A. In the event service to any subscriber is interrupted for 6 or more consecutive hours in a 30-day period, the franchisee will, upon request, grant that subscriber a pro rata credit or rebate. [PL 2007, c. 548, §2 (AMD).]

B. An office of the franchisee must be open during usual business hours, have a listed toll-free telephone and be capable of receiving complaints, requests for adjustments and service calls. [PL 2007, c. 548, §2 (AMD).]

C. The franchisee shall provide subscribers with 30 days' advance written notice of an increase in rates, changes in billing practices, the movement of a channel to a different location or service tier or the deletion of a channel. [PL 2023, c. 502, §18 (AMD).]

[PL 2023, c. 502, §18 (AMD).]

1-A. Service cancellation. A franchisee must discontinue billing a subscriber for a service within 2 working days after the subscriber requests to cancel that service unless the subscriber unreasonably hinders access by the franchisee to equipment of the franchisee on the premises of the subscriber to which the franchisee must have access to complete the requested cancellation of service. A franchisee shall grant a subscriber a pro rata credit or rebate for the days of the monthly billing period after the cancellation of service if that subscriber requests cancellation of service 3 or more working days before the end of the monthly billing period.

[PL 2019, c. 657, §1 (AMD).]

2. Notice to subscribers regarding quality of service. Notice to subscribers regarding quality of service must be as follows.

A. For each new subscriber, and annually thereafter, every franchisee shall cause to be mailed to each of its subscribers a notice that:

(1) Informs subscribers of how to communicate their views and complaints to the video service provider and to the proper municipal official and the Attorney General;

(2) States the responsibility of the Department of the Attorney General to receive, investigate and resolve consumer complaints or complaints raised by the franchising authority under section 3008 concerning matters other than program choices and rates;

(3) States the policy regarding and method by which subscribers may request rebates or pro rata credits as described in subsection 1, paragraph A; and

(4) Informs subscribers of their right to request basic-tier, nonpremium programming service and the cost of that service. [PL 2023, c. 502, §19 (AMD).]

B. The notice must be in nontechnical language, understandable by the general public and in a convenient format. On or before January 30th of each year, the franchisee shall certify to the

franchising authority and to the Department of the Attorney General that it has distributed the notice during the previous calendar year as required by this section. [PL 2007, c. 548, §2 (AMD).]
[PL 2023, c. 502, §19 (AMD).]

2-A. Notice on subscriber bills; credits and refunds. Every franchisee shall include on each subscriber bill for service a notice regarding the subscriber's right to a pro rata credit or rebate for interruption of service upon request in accordance with subsection 1 or cancellation of service in accordance with subsection 1-A. The notice must include a toll-free telephone number and a telephone number accessible by a teletypewriter device or TTY for contacting the franchisee to request the pro rata credit or rebate for service interruption or service cancellation. The notice must be in nontechnical language, understandable by the general public and printed in a prominent location on the bill in boldface type.

[PL 2019, c. 657, §2 (AMD).]

3. Franchise document clearinghouse.

[PL 1999, c. 581, §2 (RP).]

4. Recording subscriber complaints. Recording subscriber complaints must be as follows.

A. Every franchisee shall keep a record or log of all written complaints received regarding quality of service, equipment malfunctions, billing procedure, employee attitude and similar matters. These records must be maintained for a period of 2 years. [PL 2007, c. 548, §2 (AMD).]

B. The record must contain the following information for each complaint received:

- (1) Date, time and nature of the complaint;
- (2) Name, address and telephone number of the person complaining;
- (3) Investigation of the complaint;
- (4) Manner and time of resolution of the complaint;
- (5) If the complaint regards equipment malfunction or the quality of reception, a report indicating corrective steps taken, with the nature of the problem stated; and
- (6) Consistent with subscriber privacy provisions contained in the Cable Communications Policy Act of 1984, Public Law 98-549, every franchisee shall make the logs or records of complaints available to any authorized agent of any franchising authority having a franchise with that franchisee or any authorized agent of a municipality considering a franchise with that franchisee upon request during normal business hours for on-site review. [PL 2007, c. 548, §2 (AMD).]

[PL 2007, c. 548, §2 (AMD).]

5. Franchises. All franchises must be nonexclusive. All franchises must include provision for access to, and facility support transmission equipment and public, educational and governmental facility equipment necessary to make use of, one or more local public, educational and governmental access channels subject to the definitions and requirements of the Cable Communications Policy Act of 1984, Public Law 98-549 or related requirements or regulations of the Federal Communications Commission.

As used in this subsection, "facility support transmission equipment" has the same meaning as in section 3008, subsection 1-A, paragraph F. As used in this subsection, "public, educational and governmental facility equipment" has the same meaning as in section 3008, subsection 1-A, paragraph G.

[PL 2023, c. 502, §20 (AMD).]

5-A. Public, educational and governmental access channels. A video service provider shall carry public, educational and governmental access channels on the provider's basic cable or video service offerings or tiers accessed through a cable television receiver or application. A video service

provider may not separate public, educational and governmental access channels numerically from other local broadcast channels carried on the provider's basic cable or video service offerings, tiers or applications and, in the event of a franchise license transfer, shall use the same channel numbers for the public, educational and governmental access channels as used for those channels by the incumbent video service provider, unless prohibited by federal law. After the initial designation of public, educational and governmental access channel numbers, a video service provider may not change the channel numbers without the agreement of the originator, unless the change is required by federal law.

A video service provider shall restore a public, educational or governmental access channel that has been moved without the consent of the originator within the 24 months preceding the effective date of this subsection to its original location and channel number within 60 days after the effective date of this subsection.

As used in this subsection, "application" has the same meaning as in section 3008, subsection 1-A, paragraph E.

[PL 2023, c. 502, §21 (AMD).]

5-B. Transmission.

[PL 2023, c. 502, §22 (RP).]

5-C. Franchise renewals. The franchise renewal process must be conducted in compliance with 47 United States Code, Section 546 and this subsection.

A. A video service provider shall maintain adequate personnel and resources to respond to municipal requests for renewal information in a timely manner. Failure to respond in a timely manner is a violation of the Maine Unfair Trade Practices Act. [PL 2023, c. 502, §23 (AMD).]

B. If an automatic renewal provision exists in a franchise agreement on the effective date of this subsection, the automatic renewal provision remains in effect until that franchise agreement expires. The video service provider shall notify the franchising authority of the automatic renewal no later than 36 months in advance of the expiration of the franchise. [PL 2023, c. 502, §23 (AMD).]

C. A municipality may require maps, diagrams, annual reports and franchise fee statements at renewal, which the video service provider shall make available upon reasonable notice. If information is proprietary, the municipality may execute a nondisclosure agreement with the video service provider. [PL 2023, c. 502, §23 (AMD).]

[PL 2023, c. 502, §23 (AMD).]

5-D. Transmission. A video service provider shall retransmit public, educational and governmental access channel signals in the format in which they are received from the originator and at the same signal quality as that provided to all subscribers of the cable television service for local broadcast channels. A video service provider may not diminish, down convert or otherwise tamper with the signal quality or format provided by the originator. A video service provider shall deliver a public, educational or governmental access channel signal to the subscriber in a quality and format equivalent to the quality and format of local broadcast channel signals carried on the cable television service if provided as such by the originator. A video service provider shall carry each public, educational or governmental access channel in both a high definition format and a standard digital format in the same manner as that in which local broadcast channels are provided, unless prohibited by federal law.

A video service provider, when requested, shall assist in providing the originator with access to the entity that controls the cable television service's electronic program guide so that subscribers may view, select and record public, educational and governmental access channels in the same manner as that in which they view, select and record local broadcast channels. In addition, a video service provider shall identify public, educational and governmental access channels on the electronic program guide in the

same manner as that in which local broadcast channels are identified. This subsection does not obligate a video service provider to list public, educational and governmental access channel content on channel cards and channel listings. If channels are selected by a viewer through a menu system, the video service provider shall display the public, educational and governmental access channels' designations in a similar manner as that in which local broadcast channel designations are displayed.

A video service provider shall make available to the originator a toll-free telephone number with a direct line to a service technician who is familiar with the signal path and equipment associated with public, educational and governmental access channels on the cable television system for resolution of a signal quality problem.

[PL 2023, c. 502, §24 (NEW).]

6. Rights of individuals. A video service provider may not deny service, deny access or otherwise discriminate against subscribers, channel users or general citizens on the basis of actual or perceived race, color, sex, sexual orientation, gender identity, physical or mental disability, ancestry or national origin, age or familial status.

[PL 2023, c. 502, §25 (AMD).]

6-A. Subscriber privacy. A video service provider may not intrude upon the privacy of a subscriber by installing or using any equipment that allows the video service provider to observe or to listen to what is occurring in an individual subscriber's household or to monitor the viewing habits of the subscriber without express, prior written consent of the subscriber. A video service provider may not sell, disclose or otherwise make available, or permit the use of, lists of the names or addresses of its subscribers, or any list or other information that identifies by name or address subscribers or subscriber viewing habits, to any person or agency for any purpose whatsoever without the prior written consent of the subscriber except that the video service provider may make such lists available to persons performing services for the video service provider in connection with its business or operations, such as a billing service, when the availability of such lists is necessary to the performance of such services if, in either case, the persons or entity receiving such lists agree in writing that they will not permit them to be made available to any other party.

[PL 2023, c. 502, §26 (AMD).]

6-B. Late fees. A video service provider may not charge a late fee or other penalty or charge for late payment of any bill that exceeds 1.5% per month of the amount due in the bill. If the bill includes separate charges for different levels of service, a late fee or other penalty or charge must be calculated on the total amount overdue for all levels of service and may not be calculated separately for each level of service. A payment is not late under this subsection until at least 30 days after those services to which the late fee applies have been received by the consumer.

[PL 2023, c. 502, §27 (AMD).]

7. Penalty. A violation of any provision of this section is a violation of Title 5, chapter 10.

[PL 2007, c. 548, §2 (AMD).]

8. Filing of franchise agreements. A video service provider that maintains a publicly accessible website shall post on that website a copy of the most recently executed franchise agreement for each franchise that it has been granted by a municipality in the State.

[PL 2023, c. 502, §28 (AMD).]

SECTION HISTORY

PL 1989, c. 352 (NEW). PL 1991, c. 358 (AMD). PL 1991, c. 657, §1 (AMD). PL 1993, c. 219, §1 (AMD). PL 1993, c. 513, §1 (AMD). PL 1993, c. 676, §§1,2 (AMD). PL 1999, c. 581, §2 (AMD). PL 2007, c. 104, §1 (AMD). PL 2007, c. 548, §2 (AMD). PL 2019, c. 245, §§5, 6 (AMD). PL 2019, c. 657, §§1, 2 (AMD). PL 2021, c. 348, §48 (AMD). PL 2021, c. 553, §20 (AMD). PL 2023, c. 502, §§16-28 (AMD).

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