

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1975

H.P. 1319

House of Representatives, May 13, 2025

An Act to Eliminate the ConnectMaine Authority by Repealing the Advanced Technology Infrastructure Act

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

A handwritten signature in cursive script, reading "Robert B. Hunt".

ROBERT B. HUNT

Clerk

Presented by Representative DUCHARME of Madison.
Cosponsored by President DAUGHTRY of Cumberland and
Representatives: ANKELES of Brunswick, CAMPBELL of Orrington, CROCKETT of
Portland, GREENWOOD of Wales, ROLLINS of Augusta, RUDNICKI of Fairfield, SAYRE
of Kennebunk, WADSWORTH of Hiram.

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

2 **Sec. 1. 5 MRSA §1541-B, sub-§1, ¶A**, as enacted by PL 2019, c. 468, §1, is
3 amended to read:

4 A. "Advanced communications technology infrastructure" has the same meaning as in
5 Title 35-A, section 9202 9402, subsection 1.

6 **Sec. 2. 5 MRSA §12004-G, sub-§33-F**, as amended by PL 2019, c. 625, §1, is
7 repealed.

8 **Sec. 3. 5 MRSA §12021, sub-§6, ¶B**, as amended by PL 2019, c. 625, §2, is
9 repealed.

10 **Sec. 4. 10 MRSA §9902, sub-§3, ¶A**, as enacted by PL 2011, c. 622, §1, is
11 amended to read:

12 A. Property and equipment, including related support facilities that provide service to
13 more than one customer or person, owned or used by a public utility as defined in Title
14 35-A, section 102, subsection 13 or by a communications service provider ~~as defined~~
15 ~~in Title 35-A, section 9202, subsection 4.~~ For purposes of this paragraph,
16 "communications service provider" means an entity offering wireline voice, satellite,
17 data, fixed wireless data or video retail service to customers in the State.
18 "Infrastructure" includes, without limitation, real and personal property such as
19 buildings, offices, power lines, poles, pipes, structures and equipment; and

20 **Sec. 5. 14 MRSA §6000, sub-§3-A, ¶C**, as enacted by PL 2023, c. 594, §5 and
21 affected by §13, is amended to read:

22 C. Services provided by a ~~communications service as defined in Title 35-A, section~~
23 ~~9202, subsection 3~~ wireline voice, satellite, data, fixed wireless data or video retail
24 service; and

25 **Sec. 6. 30-A MRSA §5225, sub-§1, ¶C**, as amended by PL 2023, c. 142, §§1 to
26 3, is further amended by amending subparagraph (10) to read:

27 (10) Costs associated with broadband and fiber optics expansion projects,
28 including preparation, planning, engineering and other related costs in addition to
29 the construction costs of those projects. ~~If an area within a municipality or~~
30 ~~plantation is unserved with respect to broadband service, as defined by the~~
31 ~~ConnectMaine Authority as provided in Title 35-A, section 9204-A, subsection 1,~~
32 ~~broadband and fiber optics expansion projects may serve residential or other~~
33 ~~nonbusiness or noncommercial areas in addition to business or commercial areas~~
34 ~~within the municipality or plantation;~~

35 **Sec. 7. 30-A MRSA §5403, sub-§15**, as enacted by PL 2019, c. 108, §5, is amended
36 to read:

37 **15. Communications services systems; community broadband systems.** Construct,
38 maintain and operate a municipal or multimunicipal system composed of infrastructure
39 capable of being utilized by communications service providers for the provision of
40 communications services. For the purposes of this subsection, "communications service"
41 ~~has the same meaning as in Title 35-A, section 9202, subsection 3 and "communications~~
42 ~~service provider" has the same meaning as in Title 35-A, section 9202, subsection 4~~ means

1 any wireline voice, satellite, data, fixed wireless data or video retail service. For the
2 purposes of this subsection, "communications services provider" means an entity offering
3 communications service to customers in the State.

4 Nothing in this chapter restricts a municipality from purchasing, leasing, constructing or
5 equipping facilities that are designed to provide communications services. Nothing in this
6 chapter restricts a municipality from using community broadband systems for internal
7 municipal government purposes or, by written contract, leasing, selling capacity in or
8 granting other similar rights to communications service providers to use the facilities in
9 connection with the provider's offering communications services.

10 **Sec. 8. 35-A MRSA §711, sub-§4**, as amended by PL 2017, c. 199, §1, is further
11 amended to read:

12 **4. Rules.** The commission shall adopt rules governing the resolution of pole
13 attachment disputes and the rates, terms and conditions of joint use. The rules must promote
14 competition, ~~further the state broadband policy set forth in section 9202-A~~ and ensure safe,
15 nondiscriminatory access on just and reasonable terms. The rules must also include a
16 process for ensuring that a new joint use entity seeking access to the poles, ducts, conduits
17 or rights-of-way of another joint use entity meets the requirements of subsection 1,
18 paragraph D. In establishing rates, the commission shall consider various formulas,
19 including, but not limited to, the formula adopted by the Federal Communications
20 Commission as codified in 47 Code of Federal Regulations, Part 1, Subpart J, as amended.
21 Rules adopted or amended pursuant to this subsection are routine technical rules as defined
22 in Title 5, chapter 375, subchapter 2-A.

23 **Sec. 9. 35-A MRSA §2503, sub-§2**, as amended by PL 2019, c. 625, §4, is further
24 amended to read:

25 **2. Notice.** The applicant may give public notice of the application by publishing its
26 description of the proposed facility once in a newspaper circulated in the municipality or
27 municipalities encompassing the limits of the proposed location. The applicant shall send
28 a copy of any application filed with the Department of Transportation to the municipal
29 clerk of each municipality in which the facilities are located, or to the clerk of the county
30 commissioners in the case of facilities within an unorganized township, except that the
31 applicant may, without publication of its application, place its facility described in its
32 application on receipt of a permit from the licensing authority as may be otherwise
33 provided. ~~If a proposed facility is located underground and is in excess of 500 feet in~~
34 ~~length, the applicant shall, within 5 business days of submitting an application to the~~
35 ~~applicable licensing authority, provide the ConnectMaine Authority established in Title 5,~~
36 ~~section 12004-G, subsection 33-F a notice that includes a description and the location of~~
37 ~~the proposed facility.~~

38 **Sec. 10. 35-A MRSA §2524, sub-§1, ¶C**, as enacted by PL 2019, c. 127, §1, is
39 repealed.

40 **Sec. 11. 35-A MRSA §2524, sub-§2, ¶A**, as enacted by PL 2019, c. 127, §1, is
41 amended to read:

42 A. For a governmental purpose consistent with the police power of the municipality;
43 or,

Sec. 12. 35-A MRSA §2524, sub-§2, ¶B, as enacted by PL 2019, c. 127, §1, is repealed.

Sec. 13. 35-A MRSA §7104-B, sub-§5, ¶I, as amended by PL 2019, c. 625, §5, is further amended to read:

I. To provide, within existing resources, support for qualified libraries in rural areas of the State with greatest need, as determined in consultation with the State Librarian; and the Commissioner of Education ~~and the ConnectMaine Authority~~, to offer portable wireless access points, or hotspots, for mobile Internet access.

Sec. 14. 35-A MRSa c. 93, as amended, is repealed.

SUMMARY

This bill repeals the Advanced Technology Infrastructure Act, which is codified as the Maine Revised Statutes, Title 35-A, chapter 93. Repeal of this chapter eliminates the state broadband policy, the ConnectMaine Authority, the ConnectMaine Fund and the Municipal Gigabit Broadband Network Access Fund. The bill removes cross-references to the repealed provisions.