## MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

### FIRST REGULAR SESSION-1999

Legislative Document

No. 1800

S.P. 633

In Senate, March 10, 1999

An Act Concerning Standards for Operation and Maintenance of Radio Antenna Towers.

Reference to the Committee on State and Local Government suggested and ordered printed.

JOY J. O'BRIEN Secretary of the Senate

Presented by President LAWRENCE of York. Cosponsored by Representative WHEELER of Eliot.

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

Sec. 1. 30-A MRSA §3012 is enacted to read:

б

### §3012. Radio antenna towers: construction in conformance with federal requirements

A municipality may not adopt or enforce any ordinance or regulation that is preempted by the Amateur Radio Preemption, 101 FCC 2d 952 (1985), as issued by the Federal Communications Commission, which states that local regulations that involve placement, screening or height of radio antennas based on health, safety or aesthetic considerations must be crafted to reasonably accommodate amateur radio communications and to represent the minimum practicable regulation to accomplish the municipality's legitimate purpose.

#### **SUMMARY**

This bill prohibits municipalities from adopting radio antenna ordinances that are preempted by the Federal Communications Commission. The bill allows ordinances to regulate the placement, screening or height of such radio antennas based on health, safety or aesthetic considerations as long as the ordinances reasonably accommodate amateur radio communications and represent the minimal practicable regulation to accomplish the town's or city's legitimate purpose.