

MAINE STATE LEGISLATURE

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UTILITIES AND ENERGY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 700, L.D. 1012, Bill, "An Act To Establish the Maine Broadband Commission"

Amend the bill by striking out the title and substituting the following:

'Resolve, Directing the ConnectME Authority To Create the Broadband Strategy Council'

Amend the bill by striking out everything after the title and before the summary and inserting the following:

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Congress of the United States has made certain resources available to states, municipalities and quasi-governmental organizations through the American Recovery and Reinvestment Act of 2009 to support broadband infrastructure for community institutions as well as increasing the availability of broadband access in rural areas; and

Whereas, the State recognizes that broadband technology is a key driver of economic growth; and

Whereas, the deadlines set forth in the American Recovery and Reinvestment Act of 2009 for organizations to present plans and apply for funding for broadband infrastructure projects will occur in the coming days and weeks; and

Whereas, this legislation needs to take effect before the 90-day period expires so that decisions regarding the State's broadband infrastructure needs can be made before the application periods for American Recovery and Reinvestment Act of 2009 funding have expired; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

COMMITTEE AMENDMENT

R.O.S.

1 **Sec. 1. Council established. Resolved:** That the ConnectME Authority,
2 established in the Maine Revised Statutes, Title 35-A, section 9203, subsection 1, shall
3 establish the Broadband Strategy Council, referred to in this resolve as "the council," to
4 advise the ConnectME Authority on all matters pertaining to broadband opportunities
5 available under the American Recovery and Reinvestment Act of 2009, as well as advise
6 the University of Maine System with respect to matters pertaining to the lease or sale of
7 excess broadband capacity as a result of the conversion of the education broadband
8 spectrum; and be it further

9 **Sec. 2. Council membership. Resolved:** That the council consists of 11
10 members appointed as follows:

11 1. Two members of the Senate, one belonging to the political party holding the
12 largest number of seats in the Senate and one belonging to the political party holding the
13 2nd largest number of seats in the Senate, appointed by the President of the Senate;

14 2. Three members of the House of Representatives, 2 belonging to the political party
15 holding the largest number of seats in the House and one belonging to the political party
16 holding the 2nd largest number of seats in the House, appointed by the Speaker of the
17 House;

18 3. A representative of the Department of Administrative and Financial Services,
19 Office of Information Technology;

20 4. The Commissioner of Economic and Community Development or the
21 commissioner's designee;

22 5. The chair of the Public Utilities Commission or the chair's designee;

23 6. The Executive Director of the ConnectME Authority;

24 7. A representative from the University of Maine System; and

25 8. A representative from the Maine School and Library Network; and be it further

26 **Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate
27 chair of the council and the first-named House of Representatives member is the House
28 chair of the council; and be it further

29 **Sec. 4. Appointments; convening of council. Resolved:** That all
30 appointments must be made no later than 30 days following the effective date of this
31 resolve. The appointing authorities shall notify the Executive Director of the Legislative
32 Council and the Executive Director of the ConnectME Authority once all appointments
33 have been completed. Within 15 days after appointment of all members, the chairs shall
34 call and convene the first meeting of the council; and be it further

35 **Sec. 5. Council duties. Resolved:** That the council shall:

36 1. Identify and examine the broadband opportunities contained in the American
37 Recovery and Reinvestment Act of 2009;

38 2. Encourage a statewide strategic approach to broadband deployment that is
39 efficient, coordinated and consistent with other long-term goals and with the Public
40 Utilities Commission's prior determinations regarding broadband deployment;

R. 015

- 1 3. Make recommendations to the ConnectME Authority for a strategic broadband
- 2 infrastructure plan;
- 3 4. Make recommendations to the University of Maine System regarding the lease or
- 4 sale of excess broadband capacity in the education broadband spectrum;
- 5 5. Foster public-private cooperation and co-investment in broadband deployment;
- 6 6. Promote fair and open competition in the delivery of broadband service; and
- 7 7. Invite and consult with public and private sector stakeholders to identify needs and
- 8 opportunities for expanding broadband access; and be it further

9 **Sec. 6. Role of ConnectME Authority. Resolved:** That, taking into account

10 the advice and recommendations of the council, the ConnectME Authority shall

11 coordinate efforts of state agencies and other instrumentalities of the State in taking

12 advantage of broadband opportunities for public institutions under the American

13 Recovery and Reinvestment Act of 2009 and is authorized to act on behalf of the State in

14 any application for administrative or programmatic funds under the American Recovery

15 and Reinvestment Act of 2009; and be it further

16 **Sec. 7. Staff assistance. Resolved:** That the ConnectME Authority shall

17 provide necessary staffing services to the council with assistance from the Department of

18 Administrative and Financial Services, Office of Information Technology, the

19 Department of Economic and Community Development and the Public Utilities

20 Commission; and be it further

21 **Sec. 8. Compensation; meetings. Resolved:** That the legislative members of

22 the council are entitled to receive the legislative per diem, as defined in the Maine

23 Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary

24 expenses related to their attendance at authorized meetings of the council. Meetings of

25 the council held when the Legislature is in session may be held only on days when the

26 Legislature is already meeting in session and not on any other day; and be it further

27 **Sec. 9. Termination. Resolved:** That the council terminates December 1, 2010;

28 and be it further

29 **Sec. 10. Appropriations and allocations. Resolved:** That the following

30 appropriations and allocations are made.

31 **LEGISLATURE**

32 **Study Commissions - Funding 0444**

33 Initiative: Allocates funds to be paid for the per diem and expenses of the legislative

34 members of the Broadband Strategy Council to be paid to the Legislature by the

35 ConnectME Authority.

| 36 | OTHER SPECIAL REVENUE | 2008-09 | 2009-10 | 2010-11 |
|----|------------------------------|----------------|----------------|----------------|
| 37 | FUNDS | | | |
| 38 | Personal Services | \$0 | \$1,925 | \$825 |
| 39 | All Other | \$210 | \$2,395 | \$940 |



124th MAINE LEGISLATURE

LD 1012

LR 942(02)

An Act To Establish the Maine Broadband Commission

Fiscal Note for Bill as Amended by Committee Amendment "A"
 Committee: Utilities and Energy
 Fiscal Note Required: Yes

Fiscal Note

Legislative Cost/Study

| | 2008-09 | 2009-10 | 2010-11 | Projections 2011-12 | Projections 2012-13 |
|-----------------------------------|---------|---------|---------|------------------------|------------------------|
| Appropriations/Allocations | | | | | |
| Other Special Revenue Funds | \$210 | \$4,320 | \$1,765 | \$0 | \$0 |
| Revenue | | | | | |
| Other Special Revenue Funds | \$210 | \$4,320 | \$1,765 | \$0 | \$0 |

Legislative Cost/Study

This resolve includes Other Special Revenue Fund allocations to the Legislature for the per diem and expenses of the Legislative members of the Broadband Strategy Council. The ConnectME Authority will pay the Legislature to offset these costs. The funds paid from the authority will be received as dedicated revenue to the Legislature.

Fiscal Detail and Notes

Additional costs to the Departments of Administrative and Financial Services, Economic and Community Development, the Public Utilities Commission and the University of Maine System associated with membership on the Maine Broadband Commission can be absorbed within existing budgeted resources.