

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
124TH LEGISLATURE  
SECOND REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1265,  
L.D. 1778, Bill, "An Act To Enable the Installation of Broadband Infrastructure"

Amend the amendment in section 2 in subsection 4-B in the 6th line (page 2, line 4 in amendment) by striking out the following: "before January 1, 2010"

Amend the amendment in section 10 in §9216 in subsection 1 by striking out all of paragraphs A and B (page 4, lines 4 to 14 in amendment) and inserting the following:

'A. "Broadband sustainability service provider" means a communications service provider contributing to the ConnectME Fund pursuant to section 9211 that deploys advanced communications technology infrastructure and provides facilities-based broadband services to residential and business customers in this State during any first or 2nd assessment period.

B. "First assessment period" means the period:

(1) Commencing on the first day of the month following the date on which a dark fiber provider first sells, leases or otherwise provides one or more strands of federally supported dark fiber to an entity in this State; and

(2) Ending on the last day of the 60th month following the commencement under subparagraph (1).

Amend the amendment in section 10 in §9216 in subsection 3 by striking out the last sentence (page 4, lines 30 to 33 in amendment)

Amend the amendment in section 10 in §9216 in subsection 6 by striking out all of paragraphs A to C (page 5, lines 12 to 45 and page 6, lines 1 to 4 in amendment) and inserting the following:

'A. The authority shall allocate funds in the broadband sustainability fund established pursuant to subsection 5 to broadband sustainability service providers in accordance with the competitive award process established by the authority under section 9204, subsection 2. By December 31st of each calendar year, the authority shall make an accounting of the total funds allocated during that calendar year from the broadband sustainability fund, and if by December 31st of the following calendar year some or all of those funds are not disbursed in accordance with paragraph B, the authority

HOUSE AMENDMENT

1 shall transfer those unspent funds to the ConnectME Fund established under section  
2 9211 for use in accordance with that section. Funds transferred to the ConnectME  
3 Fund under this paragraph cease to be available to any broadband sustainability  
4 service provider pursuant to the provisions of this section. The authority may, for  
5 good cause shown, maintain funds within the broadband sustainability fund for a  
6 longer period.

7 B. To receive a disbursement from the broadband sustainability fund established  
8 pursuant to subsection 5, a broadband sustainability service provider must file with  
9 the authority a request for funds together with a certification indicating that the funds  
10 requested will be used to deploy broadband infrastructure in unserved areas as  
11 determined by the authority pursuant to section 9204, subsection 1. The certification  
12 must include the projected cost for the project and the scope of work, which must  
13 indicate how the funds will be spent. Upon receipt of a request for funds  
14 accompanied by the required certification and approval by the authority, the authority  
15 shall disburse the requested amount to the broadband sustainability service provider  
16 up to an amount not to exceed the total amount allocated under paragraph A to the  
17 requesting provider.

18 C. A broadband sustainability service provider may not expend funds received under  
19 paragraph B in a manner inconsistent with the certification provided by the provider  
20 under paragraph B. The authority may audit the use by a broadband sustainability  
21 service provider of funds disbursed in accordance with paragraph B.'

22 Amend the amendment in section 10 in §9216 in subsection 6 in paragraph D in the  
23 5th and 6th lines (page 6, lines 9 and 10 in amendment) by striking out the following:  
24 "incumbent local exchange carrier" and inserting the following: "broadband sustainability  
25 service provider"

26 Amend the amendment by inserting after section 10 the following:

27 'Sec. 11. Resolve 2009, c. 108, §4-A is enacted to read:

28 Sec. 4-A. Terms of legislative members. Resolved: That the terms of  
29 members of the council who are Legislators and who were appointed to the council  
30 during the 124th Legislature conclude December 1, 2010. The appropriate presiding  
31 officer of the 125th Legislature shall appoint legislative members of the council in  
32 accordance with section 2 to fill legislative seats on the council. A Legislator who served  
33 on the council in the 124th Legislature is not precluded from being appointed and serving  
34 on the council in the 125th Legislature; and be it further

35 Sec. 12. Resolve 2009, c. 108, §9 is amended to read:

36 Sec. 9. Termination. Resolved: That the council terminates December 1, 2010  
37 2012; and be it further

38 Sec. 13. Appropriations and allocations. The following appropriations and  
39 allocations are made.

40 LEGISLATURE

41 Study Commissions - Funding 0444

Initiative: Provides an allocation for the additional estimated costs of the Broadband Strategy Council to be paid to the Legislature by the ConnectME Authority.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2009-10</b>	<b>2010-11</b>
Personal Services	\$0	\$275
All Other	\$0	\$630
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$905</b>

**SUMMARY**

This amendment provides that money from the broadband sustainability fund be allocated to broadband sustainability service providers rather than incumbent local exchange carriers. This amendment also delays the termination date of the Broadband Strategy Council from December 1, 2010 to December 1, 2012. It provides that the term of a member of the council who is a Legislator and who was appointed to the council during the 124th Legislature concludes December 1, 2010. It authorizes the appropriate presiding officer of the 125th Legislature to fill legislative seats on the council, and specifies that a Legislator who served in the 124th Legislature may serve on the council in the 125th Legislature.

**FISCAL NOTE REQUIRED**

(See attached)

SPONSORED BY: Cynthia Dill

(Representative DILL)

TOWN: Cape Elizabeth



# 124th MAINE LEGISLATURE

LD 1778

LR 2565(04)

## An Act To Enable the Installation of Broadband Infrastructure

Fiscal Note for House Amendment "A" to Committee Amendment "A"

Sponsor: Rep. Dill of Cape Elizabeth

Fiscal Note Required: Yes

### Fiscal Note

#### Legislative Cost/Study

	2009-10	2010-11	Projections 2011-12	Projections 2012-13
<b>Appropriations/Allocations</b>				
Other Special Revenue Funds	\$0	\$905	\$4,340	\$1,770
<b>Revenue</b>				
Other Special Revenue Funds	\$0	\$7,015	\$0	\$0

#### Legislative Cost/Study

The additional general operating expenses from the extension of the Broadband Strategy Council are projected to be \$905 in fiscal year 2010-11, \$4,340 in fiscal year 2011-12 and \$1,770 in fiscal year 2012-13. Funding for these additional costs must be paid by the ConnectME Authority to the Legislature. An existing balance from fiscal year 2008-09 and fiscal year 2009-10 may be available to apply against the additional payment. The amounts can not be estimated at this time.

#### Fiscal Detail and Notes

The additional costs to the state agencies with representation on the Broadband Strategy Council can be absorbed by these agencies within existing budgeted resources. The ConnectME Authority also can absorb the additional costs associated with staffing the council within existing budgeted resources.