

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1472

H.P. 1011

House of Representatives, April 18, 2017

**An Act To Lower the Costs of Broadband Service by Coordinating
the Installation of Broadband Infrastructure**

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative McLEAN of Gorham.

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

2 **Sec. 1. 35-A MRSA §9204-A, sub-§9** is enacted to read:

3 **9. Broadband infrastructure coordination.** The authority shall carry out the duties
4 under section 9219, subsections 4 and 5.

5 **Sec. 2. 35-A MRSA §9219** is enacted to read:

6 **§9219. Broadband infrastructure coordination**

7 **1. Definitions.** As used in this section, unless the context indicates otherwise, the
8 following terms have the following meanings.

9 A. "Broadband conduit" means a conduit or pipe containing microduct or innerduct
10 for fiber-optic or other cables that support broadband and wireless facilities for
11 broadband service.

12 B. "Broadband service" means a service that provides access to the Internet,
13 computer processing, information storage or protocol conversion at a rate of at least
14 10 megabits per second in both the upstream and downstream directions, as
15 established by the Federal Communications Commission.

16 C. "Cost-based rate" means a lease rate that consists only of direct costs and actual
17 associated indirect costs of obtaining and maintaining the broadband conduit and any
18 associated right-of-way, with these costs equitably allocated among users of the
19 broadband conduit and associated right-of-way.

20 D. "Covered construction project" means a project that receives state, local or federal
21 funding and is a project to:

22 (1) Construct new or replace existing water or sewer lines in the right-of-way of
23 a highway or public road;

24 (2) Construct a new highway or public road; or

25 (3) Construct or relocate an additional lane or shoulder for an existing highway
26 or public road.

27 E. "Eligible telecommunications carrier" has the meaning provided by the
28 commission by rule.

29 F. "Innerduct" means a structure placed within a conduit to facilitate placement of
30 multiple cables in a single conduit.

31 G. "Microduct" means a small innerduct.

32 H. "Provider" means an entity that provides for the sale or resale of wholesale or
33 retail broadband services in this State and that:

34 (1) Is an eligible telecommunications carrier;

35 (2) Meets Federal Communications Commission guidelines; or

1 (3) Is a political subdivision that has statutory authority to provide
2 communications services.

3 I. "Public entity" means the State or a local government or any department, agency,
4 special purpose district or other instrumentality of the State or a local government.

5 **2. Requirement to install broadband.** A public entity constructing or causing to be
6 constructed a covered construction project shall install or cause to be installed a
7 broadband conduit as part of the covered construction project.

8 **3. Leasing conduit.** A public entity that constructs or causes to be constructed a
9 covered construction project may lease the broadband conduit installed under subsection
10 2 at a cost-based rate to providers to install fiber-optic or other cables that support
11 broadband and wireless facilities for broadband service.

12 **4. Technical and educational assistance.** The authority shall identify public
13 entities that construct or cause to be constructed covered construction projects and, in
14 collaboration with the Department of Transportation, provide technical and educational
15 assistance relating to the requirements of this section to those public entities. The
16 technical and educational assistance may include, but is not limited to, evaluating
17 engineering design standards and criteria for contracts and lease agreements.

18 **5. Mapping.** The authority shall maintain a map of broadband conduit installation in
19 the State.

20 SUMMARY

21 This bill requires public entities constructing or causing to be constructed certain
22 construction projects to install or cause to be installed broadband conduit as part of the
23 construction project. Construction projects covered include projects to construct new or
24 replace existing water or sewer lines in the right-of-way of a highway or public road; to
25 construct a new highway or public road; or to construct or relocate an additional lane or
26 shoulder for an existing highway or public road. The bill authorizes public entities to
27 lease the installed broadband conduit to broadband providers to install fiber-optic or other
28 cables that support broadband and wireless facilities for broadband service. The bill
29 directs the ConnectME Authority, in collaboration with the Department of
30 Transportation, to provide technical and educational assistance and requires the
31 ConnectME Authority to maintain a map of broadband conduit installation in the State.