

MAINE STATE LEGISLATURE

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3/7/18
R 005

Date: 3-7-18

(Filing No. H-633)

ENERGY, UTILITIES AND TECHNOLOGY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1243, L.D. 1798, "Resolve, Regarding Legislative Review of Portions of Chapter 101: ConnectME Authority, a Major Substantive Rule of the ConnectME Authority"

Amend the resolve by striking out all of section 1 and inserting the following:

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 101: ConnectME Authority, a provisionally adopted major substantive rule of the ConnectME Authority that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made:

1. The rule must be amended in section 2, subsection A in the definition of "advanced communications technology infrastructure" to clarify that an infrastructure improvement project is a project that expands the deployment or improves the quality of either broadband service or wireless service, or both;

2. The rule must be amended in section 2, subsection D in the definition of "broadband service provider" to mean a facilities-based provider of broadband connections to end users that is required to file FCC Form 477 with the Federal Communications Commission;

3. The rule must be amended in section 3, subsection A to change "communications service providers" to "broadband service providers";

4. The rule must be amended in section 3, subsection C to provide that the ConnectME Authority may request and communications service providers may voluntarily provide additional information to determine availability of broadband service in specific geographic locations to assist in evaluating or developing infrastructure grant proposals and that any information collected may be designated as confidential by the authority in accordance with the Maine Revised Statutes, Title 35-A, section 9207 and Chapter 101 and may be used for only the purposes for which it is collected;

5. The rule must be amended in section 4, subsection C, paragraph 4 to add a provision to clarify that no release of records may take place before 7 days following

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1 issuance of a denial of stay request either by the ConnectME Authority or by a court of
2 competent jurisdiction, whichever is later; and

3 6. The rule must be amended in section 6, subsection D, paragraph 5, subparagraph
4 (a), divisions (i) and (ii) and paragraph 6 to specify that the completion of a project and
5 submission of a report demonstrating project completion must occur within one year of
6 receiving funding or within 180 days of receiving all necessary permits, licenses or
7 government approvals, whichever is later.

8 The ConnectME Authority is not required to hold hearings or undertake further
9 proceedings prior to final adoption of the rule in accordance with this section.'

10 **SUMMARY**

11 This amendment allows for the final adoption of portions of Chapter 101:
12 ConnectME Authority, a major substantive rule of the ConnectME Authority, as long as
13 the ConnectME Authority makes several changes, including the correction of a drafting
14 error in the definitions section in order to provide a more comprehensive definition of
15 "broadband service provider". The amendment also provides clarification regarding the
16 release of records of the issuance of a denial for a protective order, clarification of
17 language regarding the gathering of additional information and clarification of the
18 timeframe for project completion and report submissions.

**FISCAL NOTE REQUIRED
(See attached)**

COMMITTEE AMENDMENT



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LD 1798

LR 2861(02)

Resolve, Regarding Legislative Review of Portions of Chapter 101: ConnectME Authority, a Major Substantive Rule of the ConnectME Authority

Fiscal Note for Bill as Amended by Committee Amendment *A(H-633)*

Committee: Energy, Utilities and Technology

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Any additional costs to the ConnectME Authority as a result of final adoption of provisionally adopted rules regarding how the authority operates are anticipated to be minor and can be absorbed within existing budgeted resources.