

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1517

H.P. 1110

House of Representatives, April 9, 2019

An Act To Facilitate the Deployment of Small Wireless Facilities in Maine

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

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

ROBERT B. HUNT
Clerk

Presented by Representative PIERCE of Falmouth.
Cosponsored by Senator BREEN of Cumberland and
Representatives: JORGENSEN of Portland, KESCHL of Belgrade, WADSWORTH of Hiram.

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

2 **Sec. 1. 30-A MRSA §4362** is enacted to read:

3 **§4362. Small wireless facilities**

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

6 A. "Small wireless facility" means a wireless facility each antenna of which could fit
7 within an enclosure of no more than 3 cubic feet and of which all associated wireless
8 equipment other than antennas, electric meters and concealment elements has a
9 cumulative volume of no more than 28 cubic feet.

10 B. "Wireless facility" means equipment at a fixed location that enables wireless
11 communications between user equipment and a communications network, including
12 equipment associated with wireless communications; radio transceivers, antennas,
13 coaxial or fiber-optic cable, regular and backup power supplies and rectifiers; and
14 comparable equipment, regardless of technological configuration. "Wireless facility"
15 includes a small wireless facility. "Wireless facility" does not include the structure or
16 improvements on, under, within or adjacent to which the equipment is colocated or
17 coaxial or fiber-optic cable that is between wireless support structures or poles or that
18 is otherwise not immediately adjacent to or directly associated with a particular
19 antenna.

20 **2. Small wireless facilities.** Notwithstanding any zoning or land use ordinance to
21 the contrary, a small wireless facility must be a permitted use within the public
22 right-of-way, subject to any duly adopted, nondiscriminatory conditions otherwise
23 applicable to permitted uses within the municipality and consistent with state and federal
24 law, including, without limitation, any permitting requirements in Title 35-A, chapter 25.

25 **SUMMARY**

26 This bill provides that a small wireless facility must be a permitted use within the
27 public right-of-way, subject to any duly adopted, nondiscriminatory conditions otherwise
28 applicable to permitted uses within the municipality and consistent with state and federal
29 law, including, without limitation, any permitting requirements in the Maine Revised
30 Statutes, Title 35-A, chapter 25.