

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 scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ROS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

Date: 3/31/22

(Filing No. S-483)

MAJORITY

ENERGY, UTILITIES AND TECHNOLOGY

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

130TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 664, L.D. 1894, "An Act To Support Municipal Broadband Infrastructure through Incentives and Competition"

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. 35-A MRSA §2111 is enacted to read:

§2111. Expansion into broadband by consumer-owned utilities; registration requirements

A consumer-owned public utility shall register with the commission prior to exercising any authority the consumer-owned public utility may have, pursuant to other law, to directly or indirectly own, lease, construct, maintain or operate broadband or other Internet access systems or to provide broadband or other Internet access services to the public. A consumer-owned public utility registering under this section shall provide to the commission the name, mailing address and phone number of a contact person who is knowledgeable regarding the consumer-owned public utility's broadband and Internet access systems activities in the State. The commission shall inform the consumer-owned public utility of the requirements of section 713.

Sec. 2. 35-A MRSA §9211-A, sub-§3, as amended by PL 2021, c. 293, Pt. B, §11 and c. 362, §3, is further amended to read:

3. Purpose of the fund. The fund is established to address the need in the State for access to broadband infrastructure that will enhance the State's competitiveness in national and international economies. ~~To~~ Except as described in subsection 3-A, to the extent funds are available, the fund must be used to provide grants to municipalities to support public-private partnerships to support a municipal gigabit fiber-optic broadband network in their regions with the following goals:

A. Provide high-speed broadband access to attract, create and grow the State's economy and market the products and services of businesses in the State in national

COMMITTEE AMENDMENT

- 1 and international markets with symmetric connectivity and address challenges in
- 2 geography;
- 3 B. Provide expanded health care services by facilitating access to telehealth, as defined
- 4 in Title 24-A, section 4316, subsection 1, and state and local services for senior citizens
- 5 and persons with disabilities;
- 6 C. Expand educational opportunities for students across the State through virtual and
- 7 distance learning;
- 8 D. Facilitate broader access for the public to services provided by municipal and
- 9 county governments, including, but not limited to, law enforcement entities, the
- 10 judicial system and child, youth and family social services; and
- 11 E. Provide expanded residential services to support employment opportunities.

12 In order to facilitate the achievement of the goals and policies of this section, the authority
 13 shall establish and regularly update, after opportunity for public comment and taking into
 14 consideration relevant federal policies, definitions of "gigabit fiber-optic broadband
 15 network" and "broadband infrastructure."

16 **Sec. 3. 35-A MRSA §9211-A, sub-§3-A** is enacted to read:

17 **3-A. Purpose of the fund; grant match funding.** In addition to grants provided in
 18 accordance with subsection 3, the fund may be used to provide grant match funding to
 19 municipal entities applying for project grants from other sources that require applicants to
 20 provide matching funds. To the extent that funds are available, grant match funding may
 21 be awarded for a project under this subsection only if the authority finds the project is
 22 consistent with the purposes stated in subsection 3. A municipal entity selected for grant
 23 match funding under this subsection must provide services to any unserved community
 24 anchor institution in the project area to which the municipal entity is extending services
 25 that provides or will provide open access to the Internet for the public. For purposes of this
 26 subsection, "municipal entity" means a municipality or a group of municipalities working
 27 together to support a gigabit fiber-optic broadband network project. The authority shall,
 28 by rule, define an applicant's "project area" and "unserved community anchor institution"
 29 for the purposes of this subsection. The authority may also adopt other rules to administer
 30 grant match funding awards under this subsection.

31 **Sec. 4. 35-A MRSA §9211-A, sub-§4**, as amended by PL 2021, c. 362, §3, is
 32 further amended to read:

33 **4. Implementation grants; maximum awards.** To the extent funds are available, the
 34 authority shall award implementation grants to achieve the purpose of the fund as described
 35 in ~~subsection~~ subsections 3 and 3-A as follows.

- 36 C. An applicant selected for funding, other than grant match funding in accordance
 37 with subsection 3-A, must be required to provide a 25% cash match.
- 38 D. ConnectMaine funds may not be used to fund more than 50% of the total cost of a
 39 project.
- 40 E. An applicant must demonstrate either that no more than one Internet service
 41 provider already offers symmetrical high-speed Internet to a majority of the premises
 42 to be served or that the grant will be used to construct or expand an open-access
 43 network.

ROS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39

Sec. 5. Water district charter language; development. The ConnectMaine Authority, as established by the Maine Revised Statutes, Title 35-A, section 9203, in consultation with the Public Utilities Commission and the Office of the Public Advocate, shall develop standard charter provisions that may be used by a water district to help it develop a legislative proposal to amend its charter to operate broadband or other Internet access systems or to provide broadband or other Internet access services to the public. Once the standard charter provisions are developed, the authority shall make them available to the public and may provide to any water district assistance in adapting the standard charter provisions to address the needs of the water district.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment replaces the bill.
The amendment establishes a registration process administered by the Public Utilities Commission for consumer-owned public utilities seeking to expand into the provision of broadband or other Internet access services. Prior to exercising any authority it may have pursuant to other law, a consumer-owned public utility must register with the commission and identify a contact person knowledgeable about the proposed or planned broadband and Internet access systems activities.

The amendment also makes changes to the Municipal Gigabit Broadband Network Access Fund instead of creating a new fund as proposed in the bill. The ConnectMaine Authority may award funds to provide grant matches to municipalities that are applying for grants from other sources that require fund matching. Grant match funding may be awarded only to applicants whose projects are consistent with the goals of the Municipal Gigabit Broadband Network Access Fund. Municipalities receiving funds for grant matching purposes are not subject to the 25% cash match requirement. The amendment also establishes a requirement that municipalities receiving grant match funding provide services to unserved community anchor institutions in the area into which they are extending services if those unserved community anchor institutions will provide the public with access to the Internet. The amendment requires the authority to engage in rulemaking to define "unserved community anchor institutions" and "project area" for the purposes of grant match funding.

The amendment also directs the ConnectMaine Authority, in consultation with the Public Utilities Commission and the Office of the Public Advocate, to develop standard charter provisions that may be used by a water district to develop a legislative proposal to amend its charter to operate broadband or other Internet access systems or to provide broadband or other Internet access services to the public.

FISCAL NOTE REQUIRED
(See attached)



130th MAINE LEGISLATURE

LD 1894

LR 2293(02)

An Act To Support Municipal Broadband Infrastructure through Incentives and Competition

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-483)

Committee: Energy, Utilities and Technology

Fiscal Note Required: Yes

Fiscal Note

Changes to grants - Municipal Gigabit Broadband Network Access Fund
Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

This bill makes changes to the Municipal Gigabit Broadband Network Access Fund by allowing the ConnectMaine Authority to award funds to provide grant matches to municipalities that are applying for grants from other sources that require fund matching without requiring a 25% cash match requirement from the municipality. Any additional costs to the Public Utilities Commission as a result of the registration process for consumer-owned utilities seeking to expand into the provision of broadband services are anticipated to be minor and can be absorbed within existing budgeted resources.