

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 3, 2008 to June 13, 2009**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 12, 2009**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2009**

**Sec. 2. 20-A MRSA §852, sub-§4** is enacted to read:

**4. Condition of funding.** As a condition of receiving an appropriation or allocation of state funds to broadcast throughout the State, the corporation shall continue to operate, equip and maintain facilities used to provide signals identified under paragraphs A and B that were in operation on February 1, 2009 or an equivalent network providing equivalent or expanded broadcast coverage throughout the State:

A. A television broadcast signal originating from stations whose community of license is Presque Isle, Calais, Orono, Augusta and Biddeford; and

B. A radio broadcast signal originating from stations whose community of license is Fort Kent, Presque Isle, Calais, Bangor, Waterville, Camden and Portland.

**Sec. 3. 20-A MRSA §852, sub-§5** is enacted to read:

**5. Failure to meet funding conditions.** If the corporation fails to meet the requirements of subsection 4 during any state fiscal year in which an appropriation or allocation has been made, the corporation shall return the full amount of that appropriation or allocation to the Treasurer of State within 15 business days of the beginning of the next state fiscal year.

**Sec. 4. 20-A MRSA §852, sub-§6** is enacted to read:

**6. Exceptions.** The corporation does not fail to meet the requirements of subsection 4 if:

A. One or more of the broadcast signals described in subsection 4, paragraphs A and B is off the air for a period of time due to a reason outside of the control of the corporation; or

B. All of the television broadcast signals or all of the radio broadcast signals are off the air for an equal period of time for any reason.

See title page for effective date.

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## CHAPTER 63

### H.P. 585 - L.D. 850

#### An Act To Ensure Local Broadband Coverage

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** by April 30, 2009, the ConnectME Authority will initiate the 3rd round of its grant program to expand access to broadband service in the

State and, particularly, to expand access in areas where there is presently no broadband or high-speed Internet service available; and

**Whereas,** more than \$750,000 is expected to be available for the 3rd round of grants; and

**Whereas,** access to broadband service is a necessity for residents and businesses in the State; and

**Whereas,** certain changes in law must be put into effect as soon as possible in order to affect the ConnectME Authority's implementation of the 3rd round of the grant program; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 35-A MRSA §9204, sub-§1,** as enacted by PL 2005, c. 665, §3, is amended to read:

**1. Establish criteria defining unserved and underserved areas.** The authority, by rule adopted pursuant to section 9205, subsection 3, shall establish criteria to define unserved and underserved areas. The authority shall establish criteria that ensure that an area is not determined to be an unserved or underserved area if the effect of that determination would inhibit or impede private investment in any area or diminish the value of prior investment in advanced communications technology infrastructure within any area. Criteria established by the authority must include but are not limited to whether investment is planned in an area within a reasonable time. Criteria established by the authority to define unserved and underserved areas with respect to broadband service must include the percentage of households with access to broadband service within a municipality or other appropriate geographic area.

**Sec. 2. 35-A MRSA §9204, sub-§2, ¶C,** as enacted by PL 2005, c. 665, §3, is amended to read:

C. Expand the availability of broadband service to residential and small business customers in unserved or underserved areas. In awarding grants, the authority shall give priority to those proposals that, relative to other proposals, extend access to broadband service to a higher percentage of an unserved area within a municipality or other appropriate geographic area;

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 30, 2009.

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