

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)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2012 to July 10, 2013

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 9, 2013

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

Augusta, Maine
2013

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

Effective May 20, 2013.

CHAPTER 26

H.P. 481 - L.D. 689

Resolve, Directing the Maine Labor Relations Board To Convene a Task Force To Examine Compensation for the Panel of Mediators

Sec. 1. Compensation for the Panel of Mediators. Resolved: That the Maine Labor Relations Board shall convene a task force, inviting the participation of representatives of the public sector labor-management community and including members of the Panel of Mediators, to study the question of mediator compensation and its impact on the recruitment and retention of able labor mediators and the public sector collective bargaining process as a whole, and report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development by January 15, 2014 with recommendations and draft implementing legislation that would provide reasonable compensation for the members of the Panel of Mediators; and be it further

Sec. 2. Authority to report out legislation. Resolved: That the Joint Standing Committee on Labor, Commerce, Research and Economic Development may report out a bill to the Second Regular Session of the 126th Legislature related to the task force's recommendations submitted pursuant to section 1.

See title page for effective date.

CHAPTER 27

H.P. 601 - L.D. 850

Resolve, To Study the Issue of Inheritance of Digital Assets

Sec. 1. Review. Resolved: That the Probate and Trust Law Advisory Commission established under the Maine Revised Statutes, Title 5, section 12004-I, subsection 73-B shall conduct a review of the legal impediments to the disposition of digital assets upon an individual's death or incapacity and develop legislative recommendations based on the review. The Probate and Trust Law Advisory Commission shall invite the participation of interested parties in the review and in the development of recommendations. For purposes of this section, "digital assets" means electronically stored information, including but not

limited to writings, drawings, graphs, charts, photographs, sound recordings, images and other data or data compilations, stored in any medium from which information can be obtained; and be it further

Sec. 2. Report. Resolved: That the Probate and Trust Law Advisory Commission shall submit a report regarding the review under section 1 to the Joint Standing Committee on Judiciary no later than December 1, 2013, together with any necessary implementing legislation. The Joint Standing Committee on Judiciary is authorized to report out a bill based on the report to the Second Regular Session of the 126th Legislature.

See title page for effective date.

CHAPTER 28

S.P. 301 - L.D. 876

Resolve, To Establish a Working Group To Study Issues Relating to Broadband Infrastructure Deployment

Sec. 1. Working group to study issues relating to broadband infrastructure deployment. Resolved: That the ConnectME Authority, established in the Maine Revised Statutes, Title 35-A, section 9203 and referred to in this resolve as "the authority," shall convene a working group to identify technical, legal, funding and jurisdictional challenges to the deployment of broadband conduit for fiber-optic communications and to develop solutions necessary to achieve and facilitate the deployment of broadband infrastructure. The working group shall consider access to public facilities and rights-of-way for broadband conduit installation, particularly as rights-of-way are disturbed for infrastructure projects, including, but not limited to, road and bridge construction, reconstruction and maintenance. The working group shall develop policies focused on increasing coordination between government agencies, including, but not limited to, state and municipal entities, and utility companies to decrease the frequency of highway and local road excavation while expanding broadband capacity in the State; and be it further

Sec. 2. Participants. Resolved: That the authority shall invite the following to participate in the working group:

1. The chair of the Public Utilities Commission or the chair's designee;
2. The Chief Information Officer within the Department of Administrative and Financial Services or the officer's designee;
3. The Commissioner of Economic and Community Development or the commissioner's designee;

- 4. The Commissioner of Transportation or the commissioner's designee;
- 5. The Public Advocate or the Public Advocate's designee;
- 6. The executive director of the Maine Turnpike Authority or the executive director's designee;
- 7. A member of the public with significant knowledge of communications technology;
- 8. A representative of the Maine School and Library Network;
- 9. A representative of the Maine State Chamber of Commerce;
- 10. A representative of the Maine Municipal Association; and
- 11. Other parties at the discretion of the authority; and be it further

Sec. 3. Duties. Resolved: That the duties of the working group are as follows:

- 1. To review the so-called federal dig once policy;
- 2. To review other states' experiences and strategies relating to broadband infrastructure deployment, including the so-called dig once policies in other states;
- 3. To review state laws and rules and agency policies relating to highway, local road and bridge construction and reconstruction and utility accommodation, including an evaluation of the feasibility and need for broadband conduit as part of the highway and local road construction process;
- 4. To consider right-of-way issues, including management of right-of-way access;
- 5. To consider administrative issues, including ownership of conduit and procurement;
- 6. To consider funding models for the installation and maintenance of broadband conduit;
- 7. To consider the allocation and use of conduit capacity on an open-access, nondiscriminatory basis so that any financially responsible entity, including an institutional customer, telecommunications provider or Internet service provider, may lease fiber-optic cable along a route with the intent that all users have access at the same pricing structure and for substantially similar terms and conditions relative to their use of the network;
- 8. To collaborate with Internet service providers to consider so-called dig-once policies to encourage build-out to unserved areas;
- 9. To identify road and bridge construction funding for broadband conduit installation; and

- 10. To explore the feasibility of incorporating a statewide broadband infrastructure plan to ensure that the State makes informed and knowledgeable decisions on a per project basis regarding whether installing conduit in the right-of-way of the project path affords reasonable potential benefit to expand broadband capacity and availability in the State; and be it further

Sec. 4. Report. Resolved: That, by February 1, 2014, the authority shall submit a written report of the findings of the working group under this resolve and any recommendations, including suggested legislation, to the Joint Standing Committee on Energy, Utilities and Technology and the Joint Standing Committee on Transportation. The Joint Standing Committee on Energy, Utilities and Technology may submit a bill to the Second Regular Session of the 126th Legislature relating to the subject matter of the report. The Joint Standing Committee on Transportation may make recommendations regarding that bill to the Joint Standing Committee on Energy, Utilities and Technology.

See title page for effective date.

**CHAPTER 29
H.P. 377 - L.D. 558**

**Resolve, To Erect a State
Monument to
Franco-Americans**

Sec. 1. Franco-American monument. Resolved: That, upon availability of sufficient funding, the Capitol Planning Commission shall construct and maintain a monument in honor of men and women of Franco-American heritage in the State, in accordance with the Maine Revised Statutes, Title 5, chapter 14-A; and be it further

Sec. 2. Funding assistance. Resolved: That the Capitol Planning Commission may accept local funds, gifts and other contributions to be used solely to carry out the purposes of this resolve; and be it further

Sec. 3. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL
SERVICES, DEPARTMENT OF**

Buildings and Grounds Operations 0080

Initiative: Provides a base allocation for any funds received to establish a Franco-American monument.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	\$500	\$500