

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 18, 2021

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

Augusta, Maine
2021

this section, to the extent funds are available, the authority ~~shall may~~ award planning grants of up to \$20,000 for ~~community applicants and up to \$25,000 for regional partnerships and municipalities, which require a cash match applicants that meet the cash match and other application requirements for the award of planning grants, as established by the authority. The authority shall establish application requirements for planning grants for community and regional applicants that require an applicant to demonstrate to the satisfaction of the authority participation with public and private institutions and local businesses in the development of the grant process. Municipal applicants must provide the authority with the following information:~~

- A. A plan that identifies how the municipality will use ultra high speed broadband access to fulfill the economic goals of the municipality;
- B. A written commitment to nondiscriminatory open access to the broadband infrastructure by all parties involved in the grant;
- C. A written summary of public forums used to gather information from the public in establishing the goals for the grant that serve the goals of this section;
- D. Information gathered from local public and private institutions that identifies how the broadband services will expand access to state and local services identified under subsection 3; and
- E. A summary of input received from the business community to identify the services that will be used in planning the implementation grant application.

6. Planning grant report requirements. An applicant awarded a planning grant under subsection 5 must provide to the authority, at a minimum:

- A. Identification of the local broadband needs and goals;
- B. An inventory of existing broadband infrastructure assets within the municipality, municipalities or region;
- C. The results of a gap analysis that defines the additional broadband infrastructure necessary to meet identified needs and goals;
- D. One or more potential network designs, cost estimates, operating models and potential business models, based on input from broadband providers operating within the municipality, municipalities or region and any other parties that submit a network design solution, to address any broadband gaps identified in the analysis described in paragraph C; and
- E. An assessment of all existing municipal procedures, policies, rules and ordinances that may have the effect of delaying or increasing the cost of broadband infrastructure deployment.

~~**7. Cash match for planning grants; restrictions.** The cash match required from the applicant for a planning grant under subsection 5 may consist of municipal appropriations, private funds, funding from economic development entities and funding from nonprofit entities.~~

8. Technical assistance; contract for services. The authority may provide technical assistance to applicants that request assistance with the grant application process. The authority may contract for services to assist in the administration, management and evaluation of the fund.

~~**9. Rules; application procedure.** The authority shall adopt rules to implement this section, including rules governing the application process for the fund. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.~~

10. Report. Beginning December 15, 2016, the authority shall provide an annual report to the joint standing committee of the Legislature having jurisdiction over energy and utility matters on the grants distributed from the fund and an analysis of the fund's activities that have addressed the need for expansion of ultra high speed broadband access in the State.

See title page for effective date.

CHAPTER 363

H.P. 1178 - L.D. 1589

An Act To Ensure Equity in the Membership of the Marijuana Advisory Commission

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

Sec. 1. 28-B MRSA §902, sub-§1, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

1. Membership. The commission consists of the following ~~15~~ 21 members:

- A. Two members of the Senate, including members from each of the 2 parties holding the largest number of seats in the Legislature, appointed by the President of the Senate;
- B. Two members of the House of Representatives, including members from each of the 2 parties holding the largest number of seats in the Legislature, appointed by the Speaker of the House of Representatives;
- C. The Commissioner of Administrative and Financial Services or the commissioner's designee;

- D. The Commissioner of Agriculture, Conservation and Forestry or the commissioner's designee;
- E. The Commissioner of Health and Human Services or the commissioner's designee;
- F. The Commissioner of ~~Labor~~ Economic and Community Development or the commissioner's designee;
- G. The Commissioner of Public Safety or the commissioner's designee;
- H. The following ~~3~~ 6 members, appointed by the President of the Senate:
 - (1) A representative of a statewide association representing prosecutors;
 - (2) A representative of a statewide association representing the medical marijuana industry; ~~and~~
 - (3) A member of the public; ~~and~~
 - (4) A member of the public with demonstrated expertise in the cultivation of marijuana or the manufacturing of marijuana concentrate and marijuana products;
 - (5) A representative of a statewide association representing defense attorneys; and
 - (6) A representative of a statewide civil rights organization with a primary mission to advance racial equity and racial justice; and
- I. The following ~~3~~ 6 members, appointed by the Speaker of the House of Representatives:
 - (1) A representative of a statewide association representing the adult use marijuana industry;
 - (2) A member of the public with demonstrated expertise and credentials in public health policy; ~~and~~
 - (3) A member of the public;
 - (4) A qualifying patient;
 - (5) A member of a federally recognized Indian tribe in the State; and
 - (6) A representative of the state chapter of a national civil liberties organization.

For all appointments under paragraphs A, B, H and I, an effort must be made in making the appointments to represent the racial and gender diversity of the State.

Sec. 2. 28-B MRSA §902, sub-§5, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

5. Quorum. A quorum of the commission consists of & 11 members.

See title page for effective date.

**CHAPTER 364
S.P. 477 - L.D. 1484**

**An Act To Establish the Maine
Connectivity Authority**

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

Whereas, the Maine Connectivity Authority, established in this legislation, is charged with ensuring the universal availability in the State of high-speed connectivity and secure, affordable, reliable, competitive and sustainable forward-looking advanced communications technology infrastructure to meet the State's future needs; and

Whereas, there exist significant technology infrastructure needs and gaps in the State such that many residents and businesses in the State are unable to take full advantage of the economic, health, educational and other opportunities available through connectivity services; and

Whereas, significant federal funding under the federal American Rescue Plan Act of 2021, which will be used to fund the activities of the Maine Connectivity Authority in addressing such needs and gaps, is anticipated to become available before the expiration of the 90-day period; 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. 5 MRSA §12004-G, sub-§33-G is enacted to read:

33-G.

Technology	Maine Connectivity Authority	Not Authorized	35-A <u>MRSA</u> <u>§9404</u>
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Sec. 2. 5 MRSA §12021, sub-§6, ¶G-1 is enacted to read:

G-1. The Maine Connectivity Authority under Title 35-A, section 9404;

Sec. 3. 35-A MRSA c. 94-A is enacted to read:

CHAPTER 94-A

CONNECTIVITY INFRASTRUCTURE

§9401. Short title

This chapter may be known and cited as "the Connectivity Infrastructure Act."