1	L.D. 1967
2	Date: (Filing No. H-)
3	ENERGY, UTILITIES AND TECHNOLOGY
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5	STATE OF MAINE
6	HOUSE OF REPRESENTATIVES
7	131ST LEGISLATURE
8	SECOND REGULAR SESSION
9 10	COMMITTEE AMENDMENT "" to H.P. 1264, L.D. 1967, "An Act to Support Municipal Franchise Agreements"
11	Amend the bill by striking out all of section 4 and inserting the following:
12 13	'Sec. 4. 30-A MRSA §3008, sub-§1-A, as enacted by PL 2007, c. 548, §1, is amended to read:
14 15	1-A. Definitions. For purposes of <u>As used in</u> this section, unless the context otherwise indicates, the following terms have the following meanings: $$
16 17	A. "Cable system operator" has the same meaning as "cable operator," as that term is defined in 47 United States Code, Section 522(5), as in effect on January 1, 2008 ;
18 19	B. "Cable television service" has the same meaning as "cable service," as that term is defined in 47 United States Code, Section 522(6), as in effect on January 1, 2008; and.
20 21	C. "Cable television system" has the same meaning as "cable system," as that term is defined in 47 United States Code, Section 522(7), as in effect on January 1, 2008.
22 23	D. "Affiliate" means a business entity effectively controlling or controlled by another person or associated with other persons under common ownership or control.
24 25 26 27 28	E. "Application" means an interactive computer or software program operating on a device that provides for the reception of transmitted or streamed video, audio or other digital content from a video service provider over the Internet or other electronic communications network in real time or near real time, allowing a user to receive such content on a device without downloading the entire content file.
29 30 31 32 33 34 35	F. "Facility support transmission equipment" means the equipment associated with the interconnection between public, educational and governmental facility equipment and the headend of a video service provider's system, beginning at the point at which a public, educational and governmental signal enters transmitting equipment, which must be owned, maintained and upgraded for signal quality or another reason by the video service provider. "Facility support transmission equipment" includes, but is not limited to, the equipment and facilities associated with signal transmission and carriage

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1 2 3 4 5	methodologies employed to send, receive, manage, troubleshoot and maintain audio and video signals; all physical wires, fiber lines and related connectivity medium or device; and all equipment associated with the formatting of public, educational and governmental programming for transmission to a subscriber of the video service provider.
6 7 8 9 10	<u>G.</u> "Public, educational and governmental facility equipment" means, with respect to any public, educational and governmental access channel, the equipment used to capture and process programming in the field or in a public, educational or governmental studio, including all equipment used prior to the point at which that signal enters the private network of the video service provider.
11 12 13 14	H. "Public, educational and governmental programming" means content produced or provided by any person, group or public or private agency or organization that is used in conjunction with public, educational and governmental access channels and facility support transmission equipment.
15 16 17 18	I. "Public, educational and governmental signal" means any transmission of electromagnetic or optical energy that carries audio or video from one location to another for the purposes of providing public, educational and governmental programming.
19 20 21 22 23	J. "Video service provider" means any person that directly or through one or more affiliates sells in the State access to video, audio or computer-generated or computer- augmented entertainment and owns or operates facilities located in whole or in part in a municipality's public rights-of-way that are used to provide those services, irrespective of the technology or application used to deliver such services.
24 25 26	"Video service provider" includes, but is not limited to, a cable system operator and a common carrier that operates a cable television system. "Video service provider" does not include:
27 28	(1) A provider of commercial mobile service, as defined in 47 United States Code, Section 332(d)(1); or
29 30 31	(2) A provider of an Internet access service, as defined in 47 United States Code, Section 231(e)(4), with respect to the provision of the Internet service by the provider.'
32	Amend the bill by striking out all of section 7 and inserting the following:
33 34	'Sec. 7. 30-A MRSA §3008, sub-§3, ¶F, as enacted by PL 2019, c. 308, §1, is repealed.'
35 36	Amend the bill in section 8 in paragraph G in the 9th line (page 3, line 15 in L.D.) by inserting after the following: " <u>law</u> " the following: ' <u>and</u> '
37 38 39	Amend the bill in section 8 in paragraph G in the last 2 lines (page 3, lines 16 and 17 in L.D.) by striking out the following: " <u>This paragraph does not apply to facility support</u> transmission equipment that is owned and maintained by the video service provider."
40 41 42	Amend the bill in section 11 in subsection 5 in the 12th line (page 4, line 9 in L.D.) by striking out the following: "Each" and inserting the following: 'Each Any new, renewed or amended'

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1 2	Amend the bill in section 11 in subsection 5 in paragraph B in the 2nd line (page 4, line 12 in L.D.) by inserting after the following: "than" the following: 'an average of'
3 4	Amend the bill in section 11 in subsection 5 in paragraph B in the 4th line (page 4, line 14 in L.D.) by striking out the following: "with no mandatory preconditions"
5 6	Amend the bill in section 11 in subsection 5 in paragraph B by inserting after paragraph B and before paragraph C the following blocked paragraph:
7 8 9 10 11 12 13	'A video service provider may not establish mandatory preconditions to be met by potential subscribers for the construction of a line extension on a municipal public right-of-way including, but not limited to, a requirement that a potential subscriber sign a contract for service in advance of the construction of the line extension. Nothing in this paragraph prohibits a video service provider from requiring payment of cost sharing from potential subscribers prior to construction of a line extension in accordance with a line extension policy required by this paragraph.'
14 15 16	Amend the bill in section 12 in subsection 5-A in the first line (page 4, line 30 in L.D.) by striking out the following: "Beginning January 1, 2024, any new or renewed" and inserting the following: 'Any new, renewed or amended'
17 18 19	Amend the bill in section 13 in subsection 7 in paragraph C in the first line (page 5, line 43 in L.D.) by inserting after the following: "reasonable" the following: ' <u>public</u> , <u>educational and governmental</u> '
20 21	Amend the bill in section 13 in subsection 7 in paragraph C in the last line (page 5, line 44 in L.D.) by striking out the following: "support" and inserting the following: 'support'
22	Amend the bill by striking out all of section 14 and inserting the following:
22 23	Amend the bill by striking out all of section 14 and inserting the following: 'Sec. 14. 30-A MRSA §3008, sub-§8 is enacted to read:
23 24	 'Sec. 14. 30-A MRSA §3008, sub-§8 is enacted to read: <u>8. Authorized judicial actions; statute of limitations.</u> A violation of this section
23 24 25 26 27	 'Sec. 14. 30-A MRSA §3008, sub-§8 is enacted to read: <u>8. Authorized judicial actions; statute of limitations.</u> A violation of this section constitutes a violation of the Maine Unfair Trade Practices Act. <u>A municipality that has suffered an adverse impact due to the action of an entity not in compliance with the requirements of this section may bring an action against that entity to</u>
23 24 25 26 27 28 29	 'Sec. 14. 30-A MRSA §3008, sub-§8 is enacted to read: <u>8. Authorized judicial actions; statute of limitations.</u> A violation of this section constitutes a violation of the Maine Unfair Trade Practices Act. A municipality that has suffered an adverse impact due to the action of an entity not in compliance with the requirements of this section may bring an action against that entity to recover any unpaid franchise fees or to enjoin the operation of that entity. Notwithstanding any provision of law to the contrary, an action brought under this section
 23 24 25 26 27 28 29 30 31 	 'Sec. 14. 30-A MRSA §3008, sub-§8 is enacted to read: 8. Authorized judicial actions; statute of limitations. A violation of this section constitutes a violation of the Maine Unfair Trade Practices Act. A municipality that has suffered an adverse impact due to the action of an entity not in compliance with the requirements of this section may bring an action against that entity to recover any unpaid franchise fees or to enjoin the operation of that entity. Notwithstanding any provision of law to the contrary, an action brought under this section must be commenced within 7 years of the date that the cause of action arose.' Amend the bill in section 15 in §3009-B in the first indented paragraph in the last line
 23 24 25 26 27 28 29 30 31 32 33 	 'Sec. 14. 30-A MRSA §3008, sub-§8 is enacted to read: 8. Authorized judicial actions; statute of limitations. A violation of this section constitutes a violation of the Maine Unfair Trade Practices Act. A municipality that has suffered an adverse impact due to the action of an entity not in compliance with the requirements of this section may bring an action against that entity to recover any unpaid franchise fees or to enjoin the operation of that entity. Notwithstanding any provision of law to the contrary, an action brought under this section must be commenced within 7 years of the date that the cause of action arose.' Amend the bill in section 15 in §3009-B in the first indented paragraph in the last line (page 6, line 25 in L.D.) by striking out the following: "<u>H</u>" and inserting the following: '<u>J</u>'
 23 24 25 26 27 28 29 30 31 32 33 34 35 36 	 'Sec. 14. 30-A MRSA §3008, sub-§8 is enacted to read: 8. Authorized judicial actions; statute of limitations. A violation of this section constitutes a violation of the Maine Unfair Trade Practices Act. A municipality that has suffered an adverse impact due to the action of an entity not in compliance with the requirements of this section may bring an action against that entity to recover any unpaid franchise fees or to enjoin the operation of that entity. Notwithstanding any provision of law to the contrary, an action brought under this section must be commenced within 7 years of the date that the cause of action arose.' Amend the bill in section 15 in §3009-B in the first indented paragraph in the last line (page 6, line 25 in L.D.) by striking out the following: "H" and inserting the following: 'I' Amend the bill in section 15 in §3009-B in subsection 2 in the 2nd line (page 6, line 34 in L.D.) by striking out the following: "D" and inserting the following:

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1 **'Sec. 21. 30-A MRSA §3010, sub-§5-A,** as enacted by PL 2019, c. 245, §6, is 2 amended to read:

3 5-A. Public, educational and governmental access channels. A cable system operator video service provider shall carry public, educational and governmental access 4 channels on the cable system operator's provider's basic cable or video service offerings or 5 tiers accessed through a cable television receiver or application. A cable system operator 6 7 video service provider may not separate public, educational and governmental access channels numerically from other local broadcast channels carried on the cable system 8 9 operator's provider's basic cable or video service offerings or, tiers or applications and, in 10 the event of a franchise license transfer, shall use the same channel numbers for the public, educational and governmental access channels as used for those channels by the incumbent 11 12 cable system operator video service provider, unless prohibited by federal law. After the initial designation of public, educational and governmental access channel numbers, a cable 13 system operator video service provider may not change the channel numbers without the 14 15 agreement of the originator, unless the change is required by federal law.

16 A cable system operator video service provider shall restore a public, educational or 17 governmental access channel that has been moved without the consent of the originator 18 within the 24 months preceding the effective date of this subsection to its original location 19 and channel number within 60 days after the effective date of this subsection.

- As used in this subsection, "application" has the same meaning as in section 3008,
 subsection 1-A, paragraph E.'
 - Amend the bill by striking out all of section 22 and inserting the following:

23 'Sec. 22. 30-A MRSA §3010, sub-§5-B, as enacted by PL 2019, c. 245, §6, is
 24 repealed.'

Amend the bill in section 24 in subsection 5-D in the first line (page 9, line 16 in L.D.) by striking out the following: "Beginning January 1, 2024, a" and inserting the following: \underline{A}

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

SUMMARY

This amendment makes the following changes to the bill.

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It makes several changes to the definition of "video service provider" and adds a
 definition of "affiliate."

2. It repeals the law requiring a cable system operator to offer subscribers the option of
 purchasing access to cable channels or programs on cable channels individually.

36 3. It amends the law requiring provisions in a franchise to specify that a line extension
 37 policy's minimum density requirement must be of no more than an average of 15 residences
 38 per linear strand mile of aerial cable.

4. It clarifies the prohibition in the bill on a video service provider's establishing
 mandatory preconditions to be met by potential subscribers for the construction of a line
 extension on a municipal public right-of-way.

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15. It clarifies that a violation of the Maine Revised Statutes, Title 30-A, section 30082is a violation of the Maine Unfair Trade Practices Act.36. It makes language changes for consistency within the bill and removes specific dates4within the bill to make the requirements of the Act applicable when the bill becomes law.5FISCAL NOTE REQUIRED6(See attached)

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