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Date: (Filing No. H- )

**ENERGY, UTILITIES AND TECHNOLOGY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
132ND LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1319, L.D. 1975, “An Act to Eliminate the ConnectMaine Authority by Repealing the Advanced Technology Infrastructure Act”

Amend the bill by striking out all of section 1 and inserting the following:

**'Sec. 1. 5 MRSA §1541-B, sub-§1, ¶A,** as enacted by PL 2019, c. 468, §1, is amended to read:

A. "Advanced communications technology infrastructure" ~~has the same meaning as in Title 35-A, section 9202, subsection 1~~ means any communications technology infrastructure or infrastructure improvement that expands the deployment of, or improves the quality of, broadband availability and connectivity.'

Amend the bill by striking out all of section 6 and inserting the following:

**'Sec. 6. 30-A MRSA §5225, sub-§1, ¶C,** as amended by PL 2025, c. 310, §§1 and 2, is further amended by amending subparagraph (10) to read:

(10) Costs associated with broadband and fiber optics expansion projects, including preparation, planning, engineering and other related costs in addition to the construction costs of those projects. If an area within a municipality or plantation is unserved with respect to broadband service, as defined by the ~~ConnectMaine~~ Maine Connectivity Authority as provided in Title 35-A, section ~~9204-A, subsection 1~~ 9405, subsection 3-A, broadband and fiber optics expansion projects may serve residential or other nonbusiness or noncommercial areas in addition to business or commercial areas within the municipality or plantation;'

Amend the bill by striking out all of sections 8 to 13 and inserting the following:

**'Sec. 8. 35-A MRSA §711, sub-§4,** as amended by PL 2017, c. 199, §1, is further amended to read:

**4. Rules.** The commission shall adopt rules governing the resolution of pole attachment disputes and the rates, terms and conditions of joint use. The rules must promote competition, further the state ~~broadband policy~~ connectivity goals set forth in section ~~9202-A~~ 9403, subsection 1 and ensure safe, nondiscriminatory access on just and

**COMMITTEE AMENDMENT**

1 reasonable terms. The rules must also include a process for ensuring that a new joint use  
2 entity seeking access to the poles, ducts, conduits or rights-of-way of another joint use  
3 entity meets the requirements of subsection 1, paragraph D. In establishing rates, the  
4 commission shall consider various formulas, including, but not limited to, the formula  
5 adopted by the Federal Communications Commission as codified in 47 Code of Federal  
6 Regulations, Part 1, Subpart J, as amended. Rules adopted or amended pursuant to this  
7 subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

8 **Sec. 9. 35-A MRSA §2503, sub-§2**, as amended by PL 2019, c. 625, §4, is further  
9 amended to read:

10 **2. Notice.** The applicant may give public notice of the application by publishing its  
11 description of the proposed facility once in a newspaper circulated in the municipality or  
12 municipalities encompassing the limits of the proposed location. The applicant shall send  
13 a copy of any application filed with the Department of Transportation to the municipal  
14 clerk of each municipality in which the facilities are located, or to the clerk of the county  
15 commissioners in the case of facilities within an unorganized township, except that the  
16 applicant may, without publication of its application, place its facility described in its  
17 application on receipt of a permit from the licensing authority as may be otherwise  
18 provided. If a proposed facility is located underground and is in excess of 500 feet in  
19 length, the applicant shall, within 5 business days of submitting an application to the  
20 applicable licensing authority, provide the ~~ConnectMaine~~ Maine Connectivity Authority  
21 established in Title 5, section 12004-G, subsection ~~33-F~~ 33-H a notice that includes a  
22 description and the location of the proposed facility.

23 **Sec. 10. 35-A MRSA §2524, sub-§1, ¶C**, as enacted by PL 2019, c. 127, §1, is  
24 amended to read:

25 C. "~~Unserviced or underserved area~~" ~~has the same meaning as in section 9202,~~  
26 ~~subsection 5~~ means an area determined by the Maine Connectivity Authority, pursuant  
27 to section 9405, subsection 3-A, to meet criteria established by the authority by rule  
28 adopted pursuant to section 9405, subsection 3.

29 **Sec. 11. 35-A MRSA §7104-B, sub-§5, ¶I**, as amended by PL 2019, c. 625, §5,  
30 is further amended to read:

31 I. To provide, within existing resources, support for qualified libraries in rural areas of  
32 the State with greatest need, as determined in consultation with the State Librarian, the  
33 Commissioner of Education and the ~~ConnectMaine~~ Maine Connectivity Authority, to  
34 offer portable wireless access points, or hotspots, for mobile Internet access.'

35 Amend the bill by inserting after section 14 the following:

36 '**Sec. 15. 35-A MRSA §9405, sub-§3-A** is enacted to read:

37 **3-A. Establish criteria defining unserved and underserved areas.** To establish, by  
38 rule pursuant to subsection 3, criteria to define unserved and underserved areas with respect  
39 to broadband service. Criteria established by the authority to define unserved and  
40 underserved areas must include the percentage of households with access to broadband  
41 service within a municipality or other appropriate geographic area. The authority shall use  
42 these criteria to determine those areas of the State that are unserved or underserved areas  
43 with respect to broadband service;

