

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-TWO

—
S.P. 664 - L.D. 1894

**An Act To Support Municipal Broadband Infrastructure through Incentives
and Competition**

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

Sec. 1. 35-A MRSA §2111 is enacted to read:

§2111. Expansion into broadband by consumer-owned utilities; registration requirements

A consumer-owned public utility shall register with the commission prior to exercising any authority the consumer-owned public utility may have, pursuant to other law, to directly or indirectly own, lease, construct, maintain or operate broadband or other Internet access systems or to provide broadband or other Internet access services to the public. A consumer-owned public utility registering under this section shall provide to the commission the name, mailing address and phone number of a contact person who is knowledgeable regarding the consumer-owned public utility's broadband and Internet access systems activities in the State. The commission shall inform the consumer-owned public utility of the requirements of section 713.

Sec. 2. 35-A MRSA §9211-A, sub-§3, as amended by PL 2021, c. 293, Pt. B, §11 and c. 362, §3, is further amended to read:

3. Purpose of the fund. The fund is established to address the need in the State for access to broadband infrastructure that will enhance the State's competitiveness in national and international economies. ~~To~~ Except as described in subsection 3-A, to the extent funds are available, the fund must be used to provide grants to municipalities to support public-private partnerships to support a municipal gigabit fiber-optic broadband network in their regions with the following goals:

A. Provide high-speed broadband access to attract, create and grow the State's economy and market the products and services of businesses in the State in national and international markets with symmetric connectivity and address challenges in geography;

B. Provide expanded health care services by facilitating access to telehealth, as defined in Title 24-A, section 4316, subsection 1, and state and local services for senior citizens and persons with disabilities;

C. Expand educational opportunities for students across the State through virtual and distance learning;

D. Facilitate broader access for the public to services provided by municipal and county governments, including, but not limited to, law enforcement entities, the judicial system and child, youth and family social services; and

E. Provide expanded residential services to support employment opportunities.

In order to facilitate the achievement of the goals and policies of this section, the authority shall establish and regularly update, after opportunity for public comment and taking into consideration relevant federal policies, definitions of "gigabit fiber-optic broadband network" and "broadband infrastructure."

Sec. 3. 35-A MRSA §9211-A, sub-§3-A is enacted to read:

3-A. Purpose of the fund; grant match funding. In addition to grants provided in accordance with subsection 3, the fund may be used to provide grant match funding to municipal entities applying for project grants from other sources that require applicants to provide matching funds. To the extent that funds are available, grant match funding may be awarded for a project under this subsection only if the authority finds the project is consistent with the purposes stated in subsection 3. A municipal entity selected for grant match funding under this subsection must provide services to any unserved community anchor institution in the project area to which the municipal entity is extending services that provides or will provide open access to the Internet for the public. For purposes of this subsection, "municipal entity" means a municipality or a group of municipalities working together to support a gigabit fiber-optic broadband network project. The authority shall, by rule, define an applicant's "project area" and "unserved community anchor institution" for the purposes of this subsection. The authority may also adopt other rules to administer grant match funding awards under this subsection.

Sec. 4. 35-A MRSA §9211-A, sub-§4, as amended by PL 2021, c. 362, §3, is further amended to read:

4. Implementation grants; maximum awards. To the extent funds are available, the authority shall award implementation grants to achieve the purpose of the fund as described in ~~subsection~~ subsections 3 and 3-A as follows.

C. An applicant selected for funding, other than grant match funding in accordance with subsection 3-A, must be required to provide a 25% cash match.

D. ConnectMaine funds may not be used to fund more than 50% of the total cost of a project.

E. An applicant must demonstrate either that no more than one Internet service provider already offers symmetrical high-speed Internet to a majority of the premises to be served or that the grant will be used to construct or expand an open-access network.

Sec. 5. Water district charter language; development. The ConnectMaine Authority, as established by the Maine Revised Statutes, Title 35-A, section 9203, in

consultation with the Public Utilities Commission and the Office of the Public Advocate, shall develop standard charter provisions that may be used by a water district to help it develop a legislative proposal to amend its charter to operate broadband or other Internet access systems or to provide broadband or other Internet access services to the public. Once the standard charter provisions are developed, the authority shall make them available to the public and may provide to any water district assistance in adapting the standard charter provisions to address the needs of the water district.