

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out the title and substituting the following:

**'Resolve, Directing the ConnectME Authority
To Create the Broadband Strategy Council'**

Amend the bill by striking out everything after the title and before the summary and inserting the following:

'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 Congress of the United States has made certain resources available to states, municipalities and quasi-governmental organizations through the American Recovery and Reinvestment Act of 2009 to support broadband infrastructure for community institutions as well as increasing the availability of broadband access in rural areas; and

Whereas, the State recognizes that broadband technology is a key driver of economic growth; and

Whereas, the deadlines set forth in the American Recovery and Reinvestment Act of 2009 for organizations to present plans and apply for funding for broadband infrastructure projects will occur in the coming days and weeks; and

Whereas, this legislation needs to take effect before the 90-day period expires so that decisions regarding the State's broadband infrastructure needs can be made before the application periods for American Recovery and Reinvestment Act of 2009 funding have expired; 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

Sec. 1 Council established. Resolved: That the ConnectME Authority, established in the Maine Revised Statutes, Title 35-A, section 9203, subsection 1, shall establish the Broadband Strategy Council, referred to in this resolve as "the council," to advise the ConnectME Authority on all matters pertaining to broadband opportunities available under the American Recovery and Reinvestment Act of 2009, as well as advise the University of Maine System with respect to matters pertaining to the lease or sale of excess broadband capacity as a result of the conversion of the education broadband spectrum; and be it further

Sec. 2 Council membership. Resolved: That the council consists of 11 members appointed as follows:

1. Two members of the Senate, one belonging to the political party holding the largest number of seats in the Senate and one belonging to the political party holding the 2nd largest number of seats in the Senate, appointed by the President of the Senate;

2. Three members of the House of Representatives, 2 belonging to the political party holding the largest number of seats in the House and one belonging to the political party holding the 2nd largest number of seats in the House, appointed by the Speaker of the House;

3. A representative of the Department of Administrative and Financial Services, Office of Information Technology;

4. The Commissioner of Economic and Community Development or the commissioner's designee;

5. The chair of the Public Utilities Commission or the chair's designee;

6. The Executive Director of the ConnectME Authority;

7. A representative from the University of Maine System; and

8. A representative from the Maine School and Library Network; and be it further

Sec. 3 Chairs. Resolved: That the first-named Senate member is the Senate chair of the council and the first-named House of Representatives member is the House chair of the council; and be it further

Sec. 4 Appointments; convening of council. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council and the Executive Director of the ConnectME Authority once all appointments have been completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the council; and be it further

Sec. 5 Council duties. Resolved: That the council shall:

1. Identify and examine the broadband opportunities contained in the American Recovery and Reinvestment Act of 2009;

2. Encourage a statewide strategic approach to broadband deployment that is efficient, coordinated and consistent with other long-term goals and with the Public Utilities Commission's prior determinations regarding broadband deployment;

3. Make recommendations to the ConnectME Authority for a strategic broadband infrastructure plan;

4. Make recommendations to the University of Maine System regarding the lease or sale of excess broadband capacity in the education broadband spectrum;

5. Foster public-private cooperation and co-investment in broadband deployment;

6. Promote fair and open competition in the delivery of broadband service; and

7. Invite and consult with public and private sector stakeholders to identify needs and opportunities for expanding broadband access; and be it further

Sec. 6 Role of ConnectME Authority. Resolved: That, taking into account the advice and recommendations of the council, the ConnectME Authority shall coordinate efforts of state agencies and other instrumentalities of the State in taking advantage of broadband opportunities for public institutions under the American Recovery and Reinvestment Act of 2009 and is authorized to act on behalf of the State in any application for administrative or programmatic funds under the American Recovery and Reinvestment Act of 2009; and be it further

Sec. 7 Staff assistance. Resolved: That the ConnectME Authority shall provide necessary staffing services to the council with assistance from the Department of Administrative and Financial Services, Office of Information Technology, the Department of Economic and Community Development and the Public Utilities Commission; and be it further

Sec. 8 Compensation; meetings. Resolved: That the legislative members of the council are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the council. Meetings of the council held when the Legislature is in session may be held only on days when the Legislature is already meeting in session and not on any other day; and be it further

Sec. 9 Termination. Resolved: That the council terminates December 1, 2010; and be it further

Sec. 10 Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LEGISLATURE

Study Commissions - Funding 0444

Initiative: Allocates funds to be paid for the per diem and expenses of the legislative members of the Broadband Strategy Council to be paid to the Legislature by the ConnectME Authority.

OTHER SPECIAL REVENUE FUNDS	2008-09	2009-10	2010-11
Personal Services	\$0	\$1,925	\$825
All Other	\$210	\$2,395	\$940
OTHER SPECIAL REVENUE FUNDS	\$210	\$4,320	\$1,765
TOTAL			

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

SUMMARY

This amendment replaces the bill with a resolve. The amendment directs the ConnectME Authority to establish the Broadband Strategy Council to advise the authority on all matters pertaining to broadband opportunities available under the American Recovery and Reinvestment Act of 2009, as well as advise the University of Maine System with respect to matters pertaining to the lease or sale of excess broadband capacity as a result of the conversion of the education broadband spectrum. The Broadband Strategy Council consists of 11 members, including 2 members of the Senate and 3 members of the House of Representatives, and is staffed by the ConnectME Authority. It also adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

HP0700, LD 1012, item 2, 124th Maine State Legislature
Amendment C "A", Filing Number H-229
'Resolve, Directing the ConnectME Authority To Create the Broadband Strategy Council'

(See attached)