

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

An Act To Modernize Maine's Broadband Standards

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

Sec. 1. 35-A MRSA §9204, sub-§1, as amended by PL 2009, c. 63, §1, is repealed and the following enacted in its place:

1. Establish criteria defining broadband service and unserved and underserved areas. The authority, by rule adopted pursuant to section 9205, subsection 3, shall establish criteria to define broadband service and unserved and underserved areas.

A. In defining broadband service, the authority shall on an annual basis consider how broadband service is defined by the Federal Communications Commission. The authority shall also consider other indicators of nationally competitive broadband performance expectations when defining broadband service. Any changes to rules that amend how broadband service is defined must strengthen the definition to ensure it contributes to the State's nationally competitive economic development status.

B. In defining unserved and underserved areas, the authority shall establish criteria that ensure that an area is not determined to be an unserved or underserved area if the effect of that determination would inhibit or impede private investment in any area or diminish the value of prior investment in advanced communications technology infrastructure within any area. Criteria established by the authority must include but are not limited to whether investment is planned in an area within a reasonable time. Criteria established by the authority to define unserved and underserved areas with respect to broadband service must include the percentage of households with access to broadband service within a municipality or other appropriate geographic area.

Sec. 2. 35-A MRSA §9204, sub-§2, ¶¶E and F, as enacted by PL 2005, c. 665, §3, are amended to read:

E. Otherwise enhance the State's communications technology infrastructure in unserved and underserved areas; and

F. Cover reasonable administrative costs of the authority; and

Sec. 3. 35-A MRSA §9204, sub-§2, ¶G is enacted to read:

G. Enhance broadband services to achieve actual speeds for downloads and uploads that are equal to or greater than the average of all the New England states' actual speeds.

SUMMARY

This bill requires the ConnectME Authority to review its definition of broadband service on an annual basis and consider how broadband service is defined by the Federal Communications Commission.

This bill also requires the ConnectME Authority to consider other indicators of nationally competitive broadband performance expectations when defining broadband service. This bill requires that if the ConnectME Authority amends its definition of broadband service, it must strengthen the definition to ensure it contributes to the State's nationally competitive economic development status. This bill also requires that the ConnectME Authority enhance broadband service in Maine to achieve actual speeds for downloads and uploads that are at least equal to or greater than the average of all the New England states' actual speeds.