



# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 1167

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S.P. 414

In Senate, March 31, 2015

### An Act To Modernize Maine's Broadband Standards

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Reference to the Committee on Energy, Utilities and Technology suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator JOHNSON of Lincoln.

Cosponsored by Senators: GRATWICK of Penobscot, LIBBY of Androscoggin, MIRAMANT of Knox, Representative: BLUME of York.

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

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3 repealed and the following enacted in its place:

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

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

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

22 **Sec. 2. 35-A MRSA §9204, sub-§2, ¶¶E and F**, as enacted by PL 2005, c. 665,  
23 §3, are amended to read:

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

26 F. Cover reasonable administrative costs of the authority-; and

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

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

31 **SUMMARY**

32 This bill requires the ConnectME Authority to review its definition of broadband  
33 service on an annual basis and consider how broadband service is defined by the Federal  
34 Communications Commission. This bill also requires the ConnectME Authority to  
35 consider other indicators of nationally competitive broadband performance expectations  
36 when defining broadband service. This bill requires that if the ConnectME Authority  
37 amends its definition of broadband service, it must strengthen the definition to ensure it  
38 contributes to the State's nationally competitive economic development status. This bill  
39 also requires that the ConnectME Authority enhance broadband service in Maine to

- 1 achieve actual speeds for downloads and uploads that are at least equal to or greater than
- 2 the average of all the New England states' actual speeds.