

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND EIGHTEEN

H.P. 1243 - L.D. 1798

**Resolve, Regarding Legislative Review of Portions of Chapter 101:
ConnectME Authority, a Major Substantive Rule of the ConnectME
Authority**

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 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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. Adoption. Resolved: That final adoption of portions of Chapter 101: ConnectME Authority, a provisionally adopted major substantive rule of the ConnectME Authority that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made:

1. The rule must be amended in section 2, subsection A in the definition of "advanced communications technology infrastructure" to clarify that an infrastructure improvement project is a project that expands the deployment or improves the quality of either broadband service or wireless service, or both;

2. The rule must be amended in section 2, subsection D in the definition of "broadband service provider" to mean a facilities-based provider of broadband

connections to end users that is required to file FCC Form 477 with the Federal Communications Commission;

3. The rule must be amended in section 3, subsection A to change "communications service providers" to "broadband service providers";

4. The rule must be amended in section 3, subsection C to provide that the ConnectME Authority may request and communications service providers may voluntarily provide additional information to determine availability of broadband service in specific geographic locations to assist in evaluating or developing infrastructure grant proposals and that any information collected may be designated as confidential by the authority in accordance with the Maine Revised Statutes, Title 35-A, section 9207 and Chapter 101 and may be used for only the purposes for which it is collected;

5. The rule must be amended in section 4, subsection C, paragraph 4 to add a provision to clarify that no release of records may take place before 7 days following issuance of a denial of stay request either by the ConnectME Authority or by a court of competent jurisdiction, whichever is later; and

6. The rule must be amended in section 6, subsection D, paragraph 5, subparagraph (a), divisions (i) and (ii) and paragraph 6 to specify that the completion of a project and submission of a report demonstrating project completion must occur within one year of receiving funding or within 180 days of receiving all necessary permits, licenses or government approvals, whichever is later.

The ConnectME Authority is not required to hold hearings or undertake further proceedings prior to final adoption of the rule in accordance with this section.

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