

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND SEVENTEEN

—
H.P. 189 - L.D. 256

**An Act To Ensure Continued Availability of High-speed Broadband Internet
at Maine's Schools and Libraries**

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

Sec. 1. 35-A MRSA §7104-B, sub-§2, as amended by PL 2011, c. 623, Pt. B, §20, is further amended to read:

2. Authority. Pursuant to the authority granted in section 7104 and in order to carry out the policy goals established by section 7101, subsections 1, 2 and 4, the commission shall establish a telecommunications education access fund, referred to in this section as the "fund," and require all voice network service providers providing service in the State ~~and any other entities identified by the commission~~ to contribute to the fund. The fund must be available, with any accumulated interest, to qualified libraries, qualified schools and the Raymond H. Fogler Library at the University of Maine to assist in paying the costs of acquiring and using advanced telecommunications technologies.

Sec. 2. 35-A MRSA §7104-B, sub-§2-A, as enacted by PL 2011, c. 600, §6 and affected by §10, is amended to read:

2-A. Determination of amount of prepaid wireless telecommunications service fee. The commission shall determine by rule the amount of the fee on prepaid wireless telecommunications service that is required to be contributed to the fund. The commission shall limit the fee to no more than 21¢ per retail transaction ~~established by multiplying \$25 by a percentage that is determined by the commission for purposes of calculating contributions to the fund by providers of intrastate telecommunications services.~~ The fee must be rounded to the nearest penny. The fee may not be adjusted by the commission more frequently than once every 24 months. The collection of the fee is governed by section 7104-C. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. 35-A MRSA §7104-B, sub-§3, as amended by PL 2011, c. 623, Pt. B, §§21 to 23, is further amended to read:

3. Limitations; imposition. In carrying out the authority granted by subsection 2, the commission shall:

A. Limit With respect to the contributions for the fund required from voice network service providers other than prepaid wireless telecommunications service providers, limit the amount collected contributed to no more than 0.7% of retail charges for 2-way voice communications services as determined by the commission, excluding interstate tolls or interstate private line services; 21¢ per month per line or number, assessed as a monthly surcharge, to be levied on:

(1) Residential and business telephone exchange lines, including private branch exchange lines and Centrex lines;

(2) Interconnected voice over Internet protocol service; and

(3) Providers of mobile telecommunications services that are not providers of prepaid wireless telecommunications service.

The surcharge established in this paragraph may not be levied on more than 25 lines or numbers per customer billing account;

B. Ensure that the funds are collected in a competitively neutral manner;

C. Integrate the collection of the ~~charge~~ surcharge with any state universal service fund developed by the commission; and

D. Require, if a voice network service provider recovers its contributions under this section by means of a charge placed on a bill issued to a customer, explicit identification on customer bills of ~~any charge~~ the surcharge imposed under this section.

Sec. 4. Report. The Department of Education and the Maine State Library shall jointly submit by January 15, 2018 to the Joint Standing Committee on Energy, Utilities and Technology a report containing the following:

1. A list of all recipients of money from the telecommunications education access fund established pursuant to the Maine Revised Statutes, Title 35-A, section 7104-B, referred to in this section as "the fund"; a description of the goods or services for which money from the fund was received, including the amount of money received by recipients for such goods or services; and whether the goods or services for which money from the fund was received were eligible for reimbursement through the federal E-rate program;

2. A description of the process used by recipients of money from the fund to select vendors for goods or services, including whether there was a competitive bidding process and, if so, whether the competitive bidding process included provisions for services that were compensated with money from a source other than the fund; and

3. A list of qualified schools and qualified libraries pursuant to Title 35-A, section 7104-B, subsection 2 and, with respect to each school or library location, the following information:

A. The broadband capacity;

- B. The average daily broadband use;
- C. The amount received through the federal E-rate program to provide broadband access; and
- D. The amount received from the fund to provide broadband access.

Sec. 5. Prepaid wireless telecommunications service fee. Notwithstanding the prohibition under the Maine Revised Statutes, Title 35-A, section 7104-B, subsection 2-A on the Public Utilities Commission's adjusting the prepaid wireless telecommunications service fee more than once every 24 months, the Public Utilities Commission shall adjust the prepaid wireless telecommunications service fee to conform to Title 35-A, section 7104-B, subsection 2-A, as amended by this Act.