

Maine Broadband Coalition

2019 Legislative Update on Broadband Policy First Regular Session of the 129th Legislative Session

One of the most noteworthy advances for broadband in Maine this year was a significant **increase in operating funds for the ConnectME Authority**. The recently passed budget included a change in the E-911 assessment that is currently on phone bills. The assessment of 45 cents per line will be split; 35 cents for E-911 and 10 cents for ConnectME. This change takes place January 2020 and will result in approximately \$1.9 million in additional funds per calendar year, or an additional revenue stream of about \$150,000 per month to ConnectME, starting in February of 2020. The PUC will re-evaluate the change assessment in January of 2022.

If a significant broadband bond is passed by the legislature this year, part of these new funds will be used to administer the bonds- including verification of applications, testing and monitoring of awardees. If a bond is not passed, ConnectME can use the funds to beef up mapping and provide additional support to communities and ISPs seeking to build out broadband in unserved parts of the state.

Another legislative priority for this year is a significant **bond issue to fund community-driven infrastructure investments**. There are several legislative proposals to do this and the Governor included \$30 million for broadband in the economic development portion of her comprehensive bond package. However, the legislature adjourned without passing any bond proposals. Discussions are continuing between the administration and the legislature. If they can reach agreement, there may be a Special Session late summer or early fall to pass such a bond. Timing of when a broadband bond would be put before Maine voters would be determined as part of that process.

Note this summary reflects the final outcomes of bills as amended and finally passed.

Two have significant benefit for Mainers; one relates to privacy of customer information and another to net neutrality.

[LD 946](#) **An Act To Protect the Privacy of Online Customer Information** states that, with certain exceptions, a provider may not use, disclose, sell or permit access to a customer's personal information unless the customer gives express, affirmative consent. The customer may revoke consent at any time. The provider may not refuse service to any customer withholding consent, nor may it charge a penalty or additional fee for the withholding of consent.

[LD 1364](#) **An Act Regarding Net Neutrality and Internet Policy** prohibits state entities from committing state funds to an Internet service provider (ISP) unless the ISP agrees to provide net neutral service in the provision of Internet service directly to the state entity or the provision of service across advanced communications infrastructure constructed with the use of state funds. The value of this for the typical internet user is that most ISPs want to do business with the State and access State funds to build and operate their networks, so most ISPs will effectively be required to abide by the network neutrality rules defined by the FCC.

In addition, these bills were passed and have become law:

[LD 31](#) **An Act Regarding Rules Adopted by the ConnectME Authority** changed the designation of rules adopted by the ConnectME Authority from major substantive to routine technical. This will allow the Authority to better respond to changing technology while still ensuring appropriate public process.

[LD 147](#) **An Act To Extend Internet Availability in Rural Maine** adds language to the law governing the telecommunications education access fund, specifying that the use of the fund for Internet access includes mobile Internet access through a portable wireless access point, or hotspot, that provides Internet access over a cellular network. It does so within the existing funding structure.

[LD 854](#) **An Act To Improve Tax Incentives for Broadband Service** expands the allowable use of tax increment financing to include development, expansion or improvement of broadband services, including connecting to broadband service outside the tax increment financing district and allows for such in residential areas within the municipality.

[LD 1063](#) **An Act To Support the Role of Municipalities in Expanding Broadband Infrastructure** recognizes broadband Internet as a public necessity and designates a community broadband system or part of that system as a revenue-producing municipal facility. It allows a municipality to construct, maintain and operate a municipal or multi-municipal system composed of infrastructure capable of being utilized by communications service providers for the provision of communications services.

[LD 1192](#) **An Act To Establish Municipal Access to Utility Poles Located in Municipal Rights-of-way** exempts a municipality from pole attachment fees to accommodate the municipality's attaching its facilities for a governmental purpose consistent with the police power of the municipality or for the purpose of providing broadband service to an unserved or underserved area.

[LD 1206](#) **An Act Regarding Utility Poles in Public Rights-of-way** adds language to the law governing the safety and convenience of highways, town ways and streets to specify that utility poles and facilities are not defects in the public way, in order to relieve municipal officials from liability for utility poles and facilities in the public way. The amendment also directs the Public Utilities Commission to report to the Joint Standing Committee on Energy, Utilities and Technology in January 2020 regarding actions the commission has taken to address issues related to abandoned utility poles and any associated facilities in the public right-of-way.

[LD 1248](#) **Resolve, To Direct the ConnectME Authority To Report on the Progress of the Detailed 2019-2021 Strategic Plan for Broadband Service in Maine** incorporates within the ConnectME Authority annual report a progress update of the Authority in meeting the goals of its Detailed 2019-2021 Strategic Plan for Broadband Service in Maine.

[LD 1371](#) **An Act To Ensure Nondiscriminatory Treatment of Public, Educational and Governmental Access Channels by Cable System Operators** makes several important changes to the franchise agreement between internet service providers and municipalities. It requires all cable system operators in the State to carry public, educational and governmental access channels on the basic cable or video service offerings or tiers and extends cable television service to rural areas by requiring all cable television franchises to provide line extensions with a minimum homes-per-mile requirement not to exceed 15 homes per mile.

[LD 1517](#) **An Act To Facilitate the Deployment of Small Wireless Facilities in Maine** provides that a small wireless facility must be a permitted use within the public right-of-way while clarifying that small wireless facilities are subject to permits and permitting requirements. This legislation does not alter a franchise agreement between a cable television company and a municipality.

Finally, several are being held over until the Second Regular Session of the 129th Legislative Session beginning in January 2020.

[LD 173](#) **An Act To Promote Economic Development and Critical Communications for Family Farms, Businesses and Residences by Strategic Public Investment in High-speed Internet**

[LD 1163](#) **An Act Regarding Energy, Utilities and Technology**

[LD 1563](#) **An Act To Encourage the Development of Broadband Coverage in Rural Maine**