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An Act To Establish a Broadband Policy for Maine

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 availability of broadband service to all residents of the State is important for economic growth and opportunity; and

Whereas, facilitating increased use of broadband in this State will spur further broadband infrastructure investment and result in benefits to the users and to the economy of the State; and

Whereas, the federal American Recovery and Reinvestment Act of 2009 has set aside \$7,200,000,000 for broadband expansion in unserved and underserved areas of the Nation, and over \$25,000,000 of those funds have been granted to a middle-mile broadband project in the State that will result in further private investment in last-mile infrastructure in the State; and

Whereas, the State will be benefited by attracting and receiving further federal funding for additional broadband projects in this State; and

Whereas, part of the process for receiving federal funds includes a review by the State to determine whether each grant application is consistent with the State's broadband policy; and

Whereas, all grant awards under the federal American Recovery and Reinvestment Act of 2009 are scheduled to be awarded prior to the commencement of the 125th Legislature; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 35-A MRSA §9202-A is enacted to read:

§ 9202-A. State broadband policy

1. Goal. It is the goal of the State that:

A. Broadband service become and remain, as nearly as possible, universally available in this State, including to all residential and business locations and community anchor institutions in the State; and

B. A secure, reliable and sustainable forward-looking infrastructure that can meet future broadband needs is developed.

2. Policy. It is the policy of the State to:

A. Maximize sustainable private investment in broadband infrastructure in the State and to promote broadband infrastructure deployment and availability to all individuals, businesses and institutions in this State, including those that require ultra high-speed Internet access;

B. Maximize federal grant resources and private investment opportunities to support the deployment of broadband infrastructure in unserved and underserved areas of the State in a manner consistent with paragraph A;

C. Prioritize the use of state broadband resources to assist private infrastructure deployment in unserved and underserved areas of the State;

D. Maximize the number of state permits and licenses that may be obtained or renewed online at rates equal to or less than the rates set for obtaining or renewing the permits or licenses in person;

E. Increase the number of subscribers to broadband services in the State so as to ensure that all residents of the State are able to fully take advantage of the economic opportunities available through broadband Internet connectivity, including by:

(1) Educating residents of the State about the benefits and opportunities associated with broadband services, such as distance learning opportunities, opportunities in telemedicine, as defined in Title 24-A, section 4316, and state programs available online; and

(2) Educating small businesses regarding the advantages of broadband access, such as online business reporting and tax filings and national and global sales opportunities; and

F. Seek to expand computer ownership and training in this State and ensure appropriate computer equipment is available for use by public school students.

In order to facilitate the achievement of the goals and policies of this section, the authority shall establish and regularly update, after opportunity for public comment and taking into consideration relevant federal policies, a definition of "broadband."

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

Effective 90 days following adjournment of the 124th
Legislature, Second Regular Session, unless otherwise indicated.