

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the amendment in section 2 in subsection 4-B in the 6th line (page 2, line 4 in amendment) by striking out the following: "before January 1, 2010"

Amend the amendment in section 10 in §9216 in subsection 1 by striking out all of paragraphs A and B (page 4, lines 4 to 14 in amendment) and inserting the following:

'A. "Broadband sustainability service provider" means a communications service provider contributing to the ConnectME Fund pursuant to section 9211 that deploys advanced communications technology infrastructure and provides facilities-based broadband services to residential and business customers in this State during any first or 2nd assessment period.

B. "First assessment period" means the period:

(1) Commencing on the first day of the month following the date on which a dark fiber provider first sells, leases or otherwise provides one or more strands of federally supported dark fiber to an entity in this State; and

(2) Ending on the last day of the 60th month following the commencement under subparagraph (1).

Amend the amendment in section 10 in §9216 in subsection 3 by striking out the last sentence (page 4, lines 30 to 33 in amendment)

Amend the amendment in section 10 in §9216 in subsection 6 by striking out all of paragraphs A to C (page 5, lines 12 to 45 and page 6, lines 1 to 4 in amendment) and inserting the following:

'A. The authority shall allocate funds in the broadband sustainability fund established pursuant to subsection 5 to broadband sustainability service providers in accordance with the competitive award process established by the authority under section 9204, subsection 2. By December 31st of each calendar year, the authority shall make an accounting of the total funds allocated during that calendar year from the broadband sustainability fund, and if by December 31st of the following calendar year some or all of those funds are not disbursed in accordance with paragraph B, the authority shall transfer those unspent funds to the ConnectME Fund established under section 9211 for use in accordance with that section. Funds transferred to the ConnectME Fund under this paragraph cease to be available to any broadband sustainability service provider pursuant to the provisions of this section. The authority may, for good cause shown, maintain funds within the broadband sustainability fund for a longer period.

B. To receive a disbursement from the broadband sustainability fund established pursuant to subsection 5, a broadband sustainability service provider must file with the authority a request for funds together with a certification indicating that the funds requested will be used to deploy

broadband infrastructure in unserved areas as determined by the authority pursuant to section 9204, subsection 1. The certification must include the projected cost for the project and the scope of work, which must indicate how the funds will be spent. Upon receipt of a request for funds accompanied by the required certification and approval by the authority, the authority shall disburse the requested amount to the broadband sustainability service provider up to an amount not to exceed the total amount allocated under paragraph A to the requesting provider.

C. A broadband sustainability service provider may not expend funds received under paragraph B in a manner inconsistent with the certification provided by the provider under paragraph B. The authority may audit the use by a broadband sustainability service provider of funds disbursed in accordance with paragraph B.'

Amend the amendment in section 10 in §9216 in subsection 6 in paragraph D in the 5th and 6th lines (page 6, lines 9 and 10 in amendment) by striking out the following: "incumbent local exchange carrier" and inserting the following: 'broadband sustainability service provider'

Amend the amendment by inserting after section 10 the following:

**‘Sec. 11. Resolve 2009, c. 108, §4-A** is enacted to read:

**Sec. 4-A. Terms of legislative members. Resolved:** That the terms of members of the council who are Legislators and who were appointed to the council during the 124th Legislature conclude December 1, 2010. The appropriate presiding officer of the 125th Legislature shall appoint legislative members of the council in accordance with section 2 to fill legislative seats on the council. A Legislator who served on the council in the 124th Legislature is not precluded from being appointed and serving on the council in the 125th Legislature; and be it further

**Sec. 12. Resolve 2009, c. 108, §9** is amended to read:

**Sec. 9. Termination. Resolved:** That the council terminates December 1, ~~2010~~2012; and be it further

**Sec. 13. Appropriations and allocations.** The following appropriations and allocations are made.

## LEGISLATURE

### Study Commissions - Funding 0444

Initiative: Provides an allocation for the additional estimated costs of the Broadband Strategy Council to be paid to the Legislature by the ConnectME Authority.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2009-10</b>	<b>2010-11</b>
Personal Services	\$0	\$275
All Other	\$0	\$630
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$905</b>

## **SUMMARY**

This amendment provides that money from the broadband sustainability fund be allocated to broadband sustainability service providers rather than incumbent local exchange carriers. This amendment also delays the termination date of the Broadband Strategy Council from December 1, 2010 to December 1, 2012. It provides that the term of a member of the council who is a Legislator and who was appointed to the council during the 124th Legislature concludes December 1, 2010. It authorizes the appropriate presiding officer of the 125th Legislature to fill legislative seats on the council, and specifies that a Legislator who served in the 124th Legislature may serve on the council in the 125th Legislature.

## **FISCAL NOTE REQUIRED**

**(See attached)**