

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

An Act To Ensure Local Broadband Coverage

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, by April 30, 2009, the ConnectME Authority will initiate the 3rd round of its grant program to expand access to broadband service in the State and, particularly, to expand access in areas where there is presently no broadband or high-speed Internet service available; and

Whereas, more than \$750,000 is expected to be available for the 3rd round of grants; and

Whereas, access to broadband service is a necessity for residents and businesses in the State; and

Whereas, certain changes in law must be put into effect as soon as possible in order to affect the ConnectME Authority's implementation of the 3rd round of the grant program; 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 §9204, sub-§1, as enacted by PL 2005, c. 665, §3, is amended to read:

1. Establish criteria defining unserved and underserved areas. The authority, by rule adopted pursuant to section 9205, subsection 3, shall establish criteria to define unserved and underserved areas. The authority shall establish criteria that ensure that an area is not determined to be an unserved or underserved area if the effect of that determination would inhibit or impede private investment in any area or diminish the value of prior investment in advanced communications technology infrastructure within any area. Criteria established by the authority must include but are not limited to whether investment is planned in an area within a reasonable time. Criteria established by the authority to define unserved and underserved areas with respect to broadband service must include the percentage of households with access to broadband service within a municipality or other appropriate geographic area.

Sec. 2. 35-A MRSA §9204, sub-§2, ¶C, as enacted by PL 2005, c. 665, §3, is amended to read:

C. Expand the availability of broadband service to residential and small business customers in unserved or underserved areas. In awarding grants, the authority shall give priority to those proposals that, relative to other proposals, extend access to broadband service to a higher percentage of an unserved area within a municipality or other appropriate geographic area;

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

PUBLIC Law, Chapter 63 LD 850, item 1, 124th Maine State Legislature
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Effective April 30, 2009.