

STATE OF MAINE

 IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

 H.P. 786 - L.D. 1063

An Act To Support the Role of Municipalities in Expanding Broadband Infrastructure

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

Sec. 1. 30-A MRSA §5401, sub-§7, ¶B, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

B. Any of the following within or outside, or partly within and partly outside the corporate limits of the municipality:

- (1) A water system or part of that system;
- (2) A sewer system or part of that system;
- (3) An airport or part of an airport;
- (4) A telecommunications system or part of that system; ~~or~~
- (5) An energy facility or part of that facility; or
- (6) A community broadband system or part of that system.

Sec. 2. 30-A MRSA §5402, sub-§1-A is enacted to read:

1-A. Need for broadband systems. Access to affordable, reliable, high-speed broadband Internet is necessary to the general welfare of the public, and the people of the State and its economy require connection to existing publicly built infrastructure as a means of cultivating entrepreneurial activity, attracting business, improving access to modernized methods of education and health care and encouraging people to move to this State;

Sec. 3. 30-A MRSA §5403, sub-§13, as amended by PL 2005, c. 556, §1, is further amended to read:

13. General powers. Do all acts and things necessary or convenient to carry out the powers expressly granted in this chapter; ~~and~~

Sec. 4. 30-A MRSA §5403, sub-§14, as enacted by PL 2005, c. 556, §2, is amended to read:

14. Community septic systems. As a means of facilitating compact growth patterns, including cluster developments, construct, maintain and operate a sewer system that is composed of one or more subsurface wastewater collection, treatment and disposal systems. The municipality may construct such a sewer system in anticipation of the establishment of a community sanitary district under Title 38, chapter 11-A, to which the municipality will transfer the system pursuant to Title 38, section 1232. For purposes of this subsection, "cluster development" has the same meaning as in section 4301, subsection 1-A; and

Sec. 5. 30-A MRSA §5403, sub-§15 is enacted to read:

15. Communications services systems; community broadband systems. Construct, maintain and operate a municipal or multimunicipal system composed of infrastructure capable of being utilized by communications service providers for the provision of communications services. For the purposes of this subsection, "communications service" has the same meaning as in Title 35-A, section 9202, subsection 3 and "communications service provider" has the same meaning as in Title 35-A, section 9202, subsection 4.

Nothing in this chapter restricts a municipality from purchasing, leasing, constructing or equipping facilities that are designed to provide communications services. Nothing in this chapter restricts a municipality from using community broadband systems for internal municipal government purposes or, by written contract, leasing, selling capacity in or granting other similar rights to communications service providers to use the facilities in connection with the provider's offering communications services.

Sec. 6. 30-A MRSA §5413, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

§5413. Exemption from taxation

As proper revenue-producing municipal facilities are essential for the health and safety of the inhabitants of the municipalities, and as the exercise of the powers conferred to effect these purposes ~~constitute~~ constitutes the performance of essential governmental functions, and as municipal facilities acquired or constructed under this chapter constitute public property and are used for municipal purposes, no municipality may be required to pay any taxes or assessments upon any parking facility or system, water or sewer system, community broadband system or telecommunications system revenue-producing municipal facility, or any part of such a system, whether located within or outside the corporate limits of the municipality, or upon the income from those facilities. Any bonds issued under this chapter, and their transfer and the income from the bonds, including any profit made on the sale of the bonds, ~~shall at all times be~~ are free from taxation within the State, ~~provided~~ except that nothing in this section exempts any lessee or person in possession of a parking facility or part of a parking facility or the property so leased or possessed from taxes or assessments payable under Title 36, section 551.