

Broadband Bills Advance

Focus More On Planning Than Implementation

The common thread through the many bills submitted this session that try to expand broadband infrastructure throughout the state is support for municipal economic development needs and endeavors, with a particular goal of bringing internet service in Maine up to speed with the rest of the Northeast region.

Last week, the Energy, Utilities and Technology Committee (EUT) whittled down the number of legislative proposals to bring faster, more reliable internet throughout Maine. This article describes the four broadband related bills that will be reported out of Committee with positive recommendations.

Three of the bills supported by the Committee were sponsored by former municipal official Rep. Norm Higgins (Dover-Foxcroft) and Wells Selectboard Chair Rep. Bob Foley (Wells). Due to what appears to be a combination of political momentum and fiscal neutrality, the most comprehensive and legislatively palatable product at the end of the May 19 work session seemed to be LD 1063, *An Act To Promote Community Broadband Planning and Strengthen Economic Opportunity throughout Maine*, sponsored by Rep. Sarah Gideon of Freeport.

Still up for consideration before the Appropriations Committee is the proposal advanced by MMA's Legislative Policy Committee in LD 68, *An Act To Authorize a General Fund Bond Issue To Attract Business by Investing in High-speed Broadband Infrastructure*. The public hearing on LD 68 is scheduled for 1:00 p.m. on Thursday June 4th in Room 228 of the State House.

Rep. Foley's LD 912

Rep. Bob Foley sponsored LD 912,

An Act To Allow the Establishment of Regional Municipal Utility Districts To Support Telecommunications, Broadband Communications and Energy Infrastructure, which received a unanimous "ought to pass as amended" Committee vote. The originally printed bill proposed to amend the state's inter-local agreement law to allow for the creation of regional multi-municipal utility districts that could issue revenue bonds to support the provision of telecommunications services, broadband services, internet services or energy generation/transmission/distribution services.

As amended, LD 912 would limit these multi-municipal utility districts to broadband and internet endeavors.

Rep. Higgins' LD 465 & LD 1185

Throughout the legislative session, Rep. Higgins, who serves on the EUT Committee, has championed the cause of addressing the internet connectivity needs of rural communities like his own in Piscataquis County. Rep. Higgins advanced a two-pronged approach by sponsoring

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General Assistance: 9 Months and Done

On Thursday last week, the members of the Senate voted by a margin of 24 to 11 to support LD 1035, *An Act To Create a 9-month Time Limit on General Assistance Benefits*. Sponsored by Sen. Eric Brakey of Androscoggin County, LD 1035 would limit the issuance of General Assistance (GA) to certain applicants to no more than 275 days over any 5 year period. The applicants to whom this limitation would apply are people without dependents who are determined to be able to work according to an unknown set of standards.

MMA's Legislative Policy Committee voted to oppose LD 1035 for three reasons.

First, there is a municipal concern that the provisions of the bill would be too broadly applied and could significantly limit access to assistance for basic necessities without consideration of local economic circumstances, housing needs, true employment capacities and transportation barriers. Municipal officials believe that the limitations proposed in the bill would unfairly impact residents

in the state's more rural communities where employment opportunities can be scarce and public transportation is largely unavailable.

Second, municipal GA program administrators are uncertain as to how this limit would be administered. The absence of a statewide database to track the GA benefits provided to a single individual who might reside in multiple communities over a five year period would make it nearly impossible to accurately determine if and when an applicant had reached the 275 day limit. Without a centralized data base and clear standards governing the determinations of ability to work and lack of dependents, municipal officials are concerned that an administrator's decision would be challenged by either the Department of Health and Human Services, which could threaten reimbursement, or low-income advocates who could threaten litigation. In either case, the property taxpayers would be left holding the bag.

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Broadband (cont'd)

LD 465 and LD 1185.

LD 465, An Act To Eliminate the Broadband Sustainability Fee. Current service providers pay a Broadband Sustainability Fee, the proceeds of which are used for infrastructure development in the most rural areas of Maine which still lack internet service. As printed, this legislation proposed to eliminate the fee and dedicate the resources remaining in the account for municipal broadband expansion efforts. The Committee unanimously supported eliminating the fee, which means neither private nor municipal broadband service providers will have to pay into the fund from now on. While the amended bill still allows municipalities to access what funds remain, private service providers will still be able to apply to the ConnectME Authority for these now-limited resources to reach “unserved” areas as well.

LD 1185, An Act To Establish the Municipal Gigabit Broadband Network Access Fund. Submitted by Rep. Higgins as a companion to LD 465, this bill would establish the Municipal Gigabit Broadband Network Access Fund within the Department of Economic and Community Development (DECD), capitalizing the Fund with an appropriation of \$6 million for FY 2016. The bill establishes the parameters for both planning grants (up to \$20,000) and implementation grants (up to \$200,000) to be awarded to municipal or multi-municipal applicants to establish access to ultra high-speed fiber-optic broadband infrastructure in their regions.

Legislative Bulletin

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Broadband in The County

Support for expanded investment in broadband expansion comes from all geographic regions of the state. In addition to the Committee’s actions on the broadband bills described in this article, the Committee is asking permission to carryover another broadband bill into the 2016 legislative session. That bill is LD 826, *An Act To Promote Maine’s Economic Development and Critical Communications for Rural Family Farms, Businesses and Residences by Strategic Public Investments in High-speed Internet.* LD 826 is sponsored by Rep. Robert Saucier of Presque Isle.

In some ways this bill has been viewed as an alternative to Rep. Gideon’s broadband bill described below), LD 1063. There are two key differences between the bills. Rep. Higgins’ LD 1185 focuses on enhancing the role of DECD rather than the ConnectME Authority to oversee the administration of the grant process. In addition, Rep. Higgins’ LD 1185 includes a substantial state general fund appropriation that could be used not only for planning but also for implementation grants. In contrast, Rep. Gideon’s LD 1063, as reported out of Committee, provides no additional funding for expansion efforts, and focuses on municipal planning grants only. Given the sizeable requested appropriation from the state General Fund, most Committee members admitted being not entirely optimistic about LD 1185’s prospects for passage.

Rep. Higgins has acknowledged he is a realist, but emphasized that the merits of the bill and the current needs of communities warrant at least giving LD 1185 a chance by advancing the bill to the Appropriations Committee for consideration, especially in light of state revenues being higher than projected so far this year. A majority of the Committee voted to support the bill and see where the process takes it.

Rep. Gideon’s LD 1063

The originally printed LD 1063 would have amended the law governing the state’s policy on the deployment of broadband to both “unserved” and “underserved” regions of Maine. It also expanded the role of the ConnectME Authority to implement that policy, while broadening the Authority’s source of funding in order to support staffing this extended role assigned by the Legislature.

As amended, the thrust of LD 1063 is still to update the ConnectME Authority’s strategic plan and strengthen its role, with an emphasis on supporting community

broadband planning efforts. LD 1063 would no longer expand the ConnectME Authority’s existing revenue source, however. Under the printed version of the bill, the tax on landline telephones and cable bills would have been applied to cell phones, too, growing the Authority’s available resources from the current \$1.3 million per year by an estimated \$600,000 annually. Due to significant push-back from the industry, the sponsor and Committee decided to strike the funding increase out of the bill so resources for the purpose of broadband expansion will remain status-quo.

The Authority is directed in the amended version of the bill to give preference in the rules it develops regarding the allocation of planning grants to “investments that provide the greatest relative improvement to existing broadband service in an unserved or underserved area.” This means that the funds currently used to support expansion of service to so-called unserved Maine communities (with no internet access at all) will be stretched to additionally support “underserved” areas with internet connections that are sub-par, and to support planning grants for municipal broadband endeavors as well.

Increasing the demands on the ConnectME Authority’s resources without providing any funding replenishment appears likely to result in slow progress. A review of the testimony on LD 1063 shows that further delay has been the clear preference of existing providers and the opposite of what residents and municipal officials sought to achieve this year.

MMA’s LD 68

On the day of the initial public hearings on broadband legislation, a Committee member asked MMA why so many bills were being submitted on this topic this session. The answer was that many different

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Where Are They Now, Part II

Update on bills working through the process

The May 8 edition of the Legislative Bulletin carried an article providing updates on several bills of municipal interest that commanded space in the Bulletin when originally introduced to the Legislature. What follows is the second installment of that article. The updates provided below focus on three bills of municipal interest, including volunteer firefighter compensation, concealed weapons permitting, and the rules governing gas pipeline installation.

LD 500, volunteer firefighter and emergency personal benefits. LD 500, *An Act to Support Municipal Volunteers*, sponsored by Speaker of the House, Mark Eves of North Berwick, would authorize local legislative bodies (e.g., town meeting or town or city councils) to adopt ordinances allowing the municipal officers to provide a \$750 cash benefit to purely uncompensated, voluntary firefighters and emergency medical service providers. Municipal officials opposed LD 500 as unnecessary. Although the intent of LD 500 was appreciated, municipal officials believe there exist more straightforward approaches to remunerating firefighters, including the provision of stipends or hourly and per call rates of compensation.

Update. The Taxation Committee voted unanimously on May 19 to support an amended version of LD 500. As amended by Committee, the bill is completely rewritten and provided a new title, *Resolve, to Create a Working Group to Develop Solutions to Meet the Needs for Municipal Volunteer Personnel*. As amended by Committee, the bill creates an eight member working group charged with finding solutions to the recruitment, training and retention problems facing volunteer fire departments. Four of the eight members of the working group are appointed by the Senate President, and include two members of the Senate, a representative of the Maine State Federation of Firefighters and a chief of a volunteer fire department. The four remaining members are appointed by the Speaker of the House, and include two members of the House, a volunteer firefighter or emergency responder and a representative

of the Maine Fire Chiefs' Association. The working group is directed to solicit input from municipal officials, firefighters and emergency personnel from communities with volunteer services as well as from members of the public. The working group is further directed to report findings, recommendations, and suggestions for legislation to the Criminal Justice and Public Safety Committee no later than December 2, 2015.

LD 823, eliminating municipal issuance of concealed weapons permits. LD 823, *An Act To Upgrade the Concealed Handgun Permit Laws*, sponsored by Rep. Mike Shaw of Standish, would amend the laws concerning permits to carry concealed handguns by: (1) making the Chief of the State Police the sole issuing authority for a permit; (2) extending the term of a concealed weapons permit from 4 years to 10 years; and (3) removing the requirement that a handgun safety course be completed within 5 years of the date of application. MMA's Legislative Policy Committee voted to oppose LD 823, considering the issuance of concealed weapons permits at the local level, by those communities volunteering to do so, to be a valuable and accessible local service.

Update. The Criminal Justice Committee held a public hearing on LD 823 in early April and issued a divided report on the proposal in early May, not quite along party lines, with the Republicans and one Democrat on the Committee recommending "ought not to pass" and the remaining Democrats on the Committee recommending "ought to pass as amended."

There will soon be an opportunity for the Committee to give final review to the language, but it is MMA's understanding that the minority "ought to pass as amended" report would accomplish the following:

- Establish the State Police as the sole issuing authority for concealed weapons, using a single permit card system,
- Allow a sufficient period of time to accommodate the turn-over of authority to the State Police,
- Grandfather existing permits until

their expiration date,

- Expand the availability of time within which applications can be filed,
- Create a fee structure that distinguishes between residents and non-residents but that does not distinguish between first time applications and renewal applications.

A previous article in the Legislative Bulletin described how LD 823 was only expected pass in the event legislation to allow "constitutional carry" passes. That bill, LD 652, received a 21-14 vote in favor of passage in the Senate on Thursday this week.

LD 1124, the installation of gas pipelines in local roads. Rep. Larry Dunphy (Emden) sponsored LD 1124, *An Act To Manage Risks Associated with the Installation of Natural Gas Pipelines*. As printed, LD 1124 proposed a number of standards and required notice procedures governing the installation of gas pipelines under local roadways. Most controversial was the proposed requirement of a minimum separation of 6 feet (horizontal) and 2 feet (vertical) between gas pipelines installed underground and other underground infrastructure. Although expressing the need for some flexibilities in these suggested standards, MMA's Legislative Policy Committee voted its general support for LD 1124.

Update. The Energy, Utilities and Technology Committee recommended an amended version of LD 1124 on May 6. On the issue of the separation standards, the amended version of LD 1124 will make the Maine Department of Transportation Utility Accommodation Rules the default policy unless otherwise specified by municipal ordinance. The minimum separation standard in the MDOT rule is 3 feet (horizontal) and 1 foot (vertical), as well as pipe crossings to be as close to 90 degrees as possible, and the rules provide for exceptions to be made when necessary. The MDOT rules are available online at: <http://goo.gl/wMFPyo>. A final version of LD 1124 will be reviewed by the Committee next week and it is expected to retain the various new procedural requirements that were included in the printed bill.

Broadband (cont'd)

stakeholder municipalities, businesses, and residents have grown impatient with the wait-and-see approach. The patience counseled by existing providers has paid few dividends, and the high costs for business access to broadband with modern information transfer capacities is a real barrier to expansion. These are the observations of the municipal officials who believe robust internet access is a key to economic development.

If widespread opposition to further delay is in fact the reason for this year's unique call for broadband service expansion, now is the time for more action. Sponsored on behalf of MMA's Legislative Policy Committee by Rep. Jim Campbell of Newfield, LD 68 asks Maine's voters if they are willing to borrow \$10 million to support the expansion of broadband infrastructure for economic development purposes. LD 68 does not upset the apple cart advanced by LD 1063. Rather, it can and should be used to supplement the Committee's efforts.

The need for increased internet infrastructure in Maine is as true and timely as the need for broadly expanded electricity infrastructure in the 1930's. Municipal officials are encouraged to contact their legislators or participate directly in the public hearing on June 4 to urge support for passage of LD 68.

General Assistance (cont'd)

Third, when taking into consideration that 100% of the costs of administrating the GA program are borne solely at the local level - an estimated \$5 million annually - municipal officials are growing increasingly frustrated with the advancement of policies that yield financial savings for the state at the expense of the Maine's property taxpayers. The fiscal note that accompanies LD 1035 accurately describes the impacts of the bill:

"Limiting the number of days a person capable of working and who does not have any dependents may receive general assistance benefits to 275 days every 5 years may produce savings to the Department of Health and Human Services (DHHS). Since General Assistance is administered by municipalities, DHHS does not have client specific data to determine how

long recipients have received benefits. If implemented, municipalities would manage the new limitation and lower their requests for reimbursement by the State. The number of clients who currently exceed the 9-month time limit is not estimated to be a significant percentage of all clients."

As shown in its vote of support, a bipartisan majority in the Senate was not persuaded by the municipal concerns. LD 1035 is now tabled in the House.

Municipal officials concerned about the implications of LD 1035 should contact their State Representatives and ask them to oppose LD 1035. The Legislature will be in session every day next week. Members of the House can be reached at 1-800-423-2900 or 287-1400 during the business day.

CORRECTION –

Revenue Sharing Funding Restoration Plan Supported

In last week's edition of the Legislative Bulletin (May 21) we erroneously reported in the *Party Line Votes on Revenue Sharing & Income Tax Proposals* article that the vote on LD 980, *An Act To Restore Revenue Sharing*, was "ought not to pass" by a margin of 7 to 6. LD 980, which would restore the municipal revenue sharing distribution to its full statutory level by the year 2020, is sponsored by Rep. Denise Tepler of Topsham.

We are happy to report that the vote on LD 980 was actually "ought to pass" by a margin of 7 to 6. Senator Paul Davis of Piscataquis County was the only Republican on the Taxation Committee to support the bill.

Also, in another article in last week's Bulletin regarding the bond package that MMA's Legislative Policy Committee would like to see advanced to the voters in November, the sponsor of a significant economic development bond (LD 1053) was incorrectly referenced as Rep. Larry Luchini of Ellsworth. Representative Luchini's first name is Louis.

We apologize for both errors.

LEGISLATIVE HEARINGS

Note: You should check your newspapers for Legal Notices as there may be changes in the hearing schedule. For the Legislative Events Calendar, see the Legislature's web site at <http://www.mainelegislature.org/legis/calendar/>. If you wish to look up schedules by Committee, go to <http://www.mainelegislature.org/legis/bills/phwkSched.html>.

Tuesday, June 2

Appropriations & Financial Affairs
Room 228, State House, 1:00 p.m.
Tel: 287-1316

LD 2 – An Act To Authorize a General Fund Bond Issue for the Purchase and Development of the Bar Harbor Ferry Terminal as a Multimodal Transportation Facility.

LD 193 – An Act To Authorize a General Fund Bond Issue for Bicycle and Pedestrian Projects.

LD 217 – An Act To Authorize a General Fund Bond Issue for Development of a Multimodal Transportation Facility.

LD 271 – An Act To Authorize a General Fund Bond Issue for Intermodal Transportation Facilities.

LD 354 – An Act To Authorize a General Fund Bond Issue To Enhance Public Transportation in the Bangor Area.

LD 438 – An Act To Authorize a General Fund Bond Issue To Invest in Maine's Rail Infrastructure and Expand Passenger Rail Service.

LD 628 – An Act To Authorize a General Fund Bond Issue To Invest in Transportation Infrastructure.

LD 875 – An Act to Authorize A General Fund Bond Issue To Improve Highways, Bridges, Ports, Railroads and Other Multimodal Facilities.

Wednesday, June 3

Appropriations & Financial Affairs
Room 228, State House, 1:00 p.m.
Tel: 287-1316

LD 426 – An Act To Authorize a General Fund Bond Issue To Address Sea Level Rise.

LD 998 – An Act To Authorize a General Fund Bond Issue To Collect Data on and to Monitor Ocean Acidification.

LD 1069 – An Act To Authorize a General Fund Bond Issue To Upgrade Municipal Culverts at Stream Crossings.

LD 1248 – An Act To Authorize a General Fund Bond Issue for the Land for Maine's Future Fund.

LD 1415 – An Act To Authorize Two General Fund Bond Issues To Improve Highways, Bridges and Multimodal Facilities.

Thursday, June 4

Appropriations & Financial Affairs
Room 228, State House, 1:00 p.m.
Tel: 287-1316

LD 386 – An Act To Authorize a General Fund Bond Issue To Fund Farmland Restoration.

LD 387 – An Act To Authorize a General Fund Bond Issue To Support Agricultural Enterprises and Encourage the Use of Local Farm Products in Public Schools.

LD 108 – An Act To Authorize a General Fund Bond Issue for Riverfront Community Development.

LD 254 – An Act To Authorize a General Fund Bond Issue To Support Waterfront Development.

LD 68 – An Act To Authorize a General Fund Bond Issue To Attract Business by Investing in High-speed Broadband Infrastructure.

Friday, June 5

Appropriations & Financial Affairs
Room 228, State House, 1:00 p.m.
Tel: 287-1316

LD 1341 – An Act To Authorize a General Fund Bond Issue To Improve Maine's Housing Stock and Reduce Heating Costs and Oil Consumption.