

## The Maine Heritage Policy Center Testimony to Oppose LD 1517 “An Act To Facilitate the Deployment of Small Wireless Facilities in Maine”

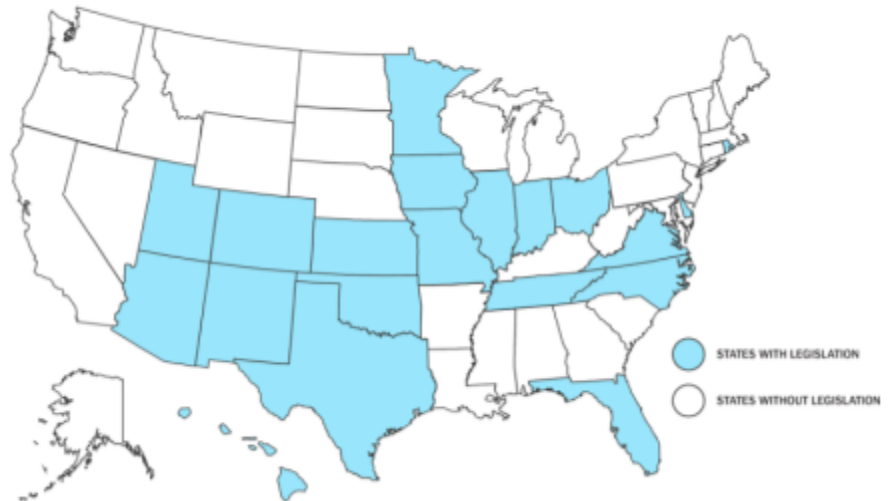
Senator Claxton, Representative Martin and distinguished members of the Committee on State and Local Government, my name is Adam Crepeau. I serve as a policy analyst at The Maine Heritage Policy Center. Thank you for the opportunity to testify in opposition to LD 1517.

The Maine Heritage Policy Center is opposed to LD 1517 because it mandates that small wireless facilities are permitted use by municipalities in public rights-of-way without tangible benefits. Also, this bill may bolster the use of government-owned networks (GONs) to expand broadband in Maine.

First and foremost, let’s discuss how this bill impedes on local control in the state of Maine. This bill would set a mandate on municipalities to allow small wireless facilities in their public rights-of-way, “notwithstanding any zoning or land use ordinance to the contrary.” LD 1517 does not consider whether or not municipalities want small wireless facilities to be constructed within their boundaries or if they are practical for a specific area. In addition, local leaders may want to weigh the pros and cons of awarding permits for small wireless facilities. Thus, this bill would be a one-size fits all approach for hundreds of municipalities without giving them the option to say ‘no’.

While more than 20 states have passed statutes to limit local authority on this matter, Maine does not need to follow suit.<sup>1</sup> Governor Jerry Brown of California vetoed similar legislation that would have limited local control of small wireless facilities because he thought municipalities needed “a more balanced solution.”<sup>2</sup> Similar legislation also failed in six other states.<sup>3</sup> While Mainers need expanded broadband

STATES WITH LEGISLATURES THAT HAVE PASSED LEGISLATION RESTRICTING LOCAL ZONING AUTHORITY FOR 5G DEPLOYMENT



Source: National Association of Counties

<sup>1</sup><https://www.naco.org/resources/featured/next-generation-local-zoning-authority-5g-wireless-broadband-101>

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

coverage to compete in the 21st century, it is important that lawmakers do not rush into a “solution” that creates more problems than it solves.

Currently, nothing is stopping wireless companies from attaching wireless infrastructure to poles or getting a permit to have access to a right-of-way.<sup>4</sup> Besides that, this technology would not be a solution for rural areas that are currently underserved. The small wireless facilities would still need to be attached to existing lines that provide broadband.<sup>5</sup>

For those reasons, The Maine Heritage Policy Center urges the committee to vote, “Ought Not to Pass” on LD 1517. Thank you.

---

<sup>4</sup> <https://legislature.maine.gov/legis/bills/getTestimonyDoc.asp?id=84579>

<sup>5</sup> Ibid.