

RESOLUTION

A Resolution of the [Community] Opposing Legislative Document No. 920 in Maine Legislature Imposing Additional Financial Burdens on the Citizens of [Community]

WHEREAS, [Community] regulates cable franchising within the municipal limits;

WHEREAS, State law recognizes “the importance of municipal control of franchising and regulation in order to ensure that the needs and interests of local citizens are adequately met;”

WHEREAS, [Community] exercises its franchising authority based on the local needs and interest of **[Community’s]** residents;

WHEREAS, [Community] believes that it is in the best interest of **[Community’s]** residents to minimize the tax and fee burden borne by **[Community’s]** cable subscribers, and therefore has chosen to assess franchise fees below the maximum allowed by federal law;

WHEREAS, Congress in the federal Cable Act enacted in 1984 permitted, but did not require, local franchising authorities to charge a cable franchise fee of up to five percent of a cable operator’s gross revenues derived from the operation of the cable system to provide cable services;

WHEREAS, Congress deliberately chose this language in order to give local communities the discretion and flexibility to choose between imposing additional costs on cable subscribers by requiring a franchise fee or keeping their rates lower by refraining from charging such a fee;

WHEREAS, [Community] believes it is better to keep money in the hands of the people than for the government to impose excess fees to the maximum extent allowed by federal law;
[whether to include this clause may depend on the type of town]

WHEREAS, Legislative Document No. 920 (“LD920”) negates Congressional intent by usurping **[Community’s]** authority and judgment to act “in the best interests of the municipality” governing franchises in **[Community’s]** public ways;

WHEREAS, LD920 moves certain control and responsibility for local cable franchising from **[Community]** to the Maine Public Utilities Commission (“PUC”);

WHEREAS, LD920 mandates that cable franchise fees be assessed at the maximum amount allowed by federal law;

WHEREAS, LD920 imposes an additional state-mandated fee to fund the PUC’s new role over local cable franchising;

WHEREAS, [Community] has proven that it is fully capable of exercising its cable franchising authority in the best interests of the community and does not need additional state oversight;

WHEREAS, LD920 replaces **[Community's]** judgment regarding what is in the best interest of **[Community's]** residents with that of the state, and will unnecessarily increase cable bills for all **[Community's]** cable subscribers;

WHEREAS, the pandemic has highlighted the importance of cable service to allow **[Community]** residents, particularly seniors, to stay connected to news, entertainment and weather information;

WHEREAS, particularly when so many are struggling economically, increasing the cost of cable service with additional unnecessary state-mandated fees is against the interest of **[Community]** residents;

NOW, THEREFORE, BE IT RESOLVED THAT [COMMUNITY] AS FOLLOWS:

SECTION 1: The Recitals above are incorporated as part of Section 1 as though set forth herein in their entirety.

SECTION 2: It is resolved that **[Community]** opposes LD920 as proposed by the Maine Legislature.

SECTION 3: It is further resolved that **[Community]** is committed to exercising its cable franchising authority in the best interest of **[Community's]** residents, which means working to decrease, not increase, the tax and fee burden on **[Community's]** cable subscribers.

SECTION 4: It is further resolved that this Resolution shall be in full force and effect after its approval, passage and publication as provided by law, and shall be transmitted to the Maine Legislature for consideration.

[[Local Format will dictate, but a sample format is below:]]

ADOPTED this ___ day of _____, 2021.

AYES:

NAYS:

ABSENT:

APPROVED this ____ day of _____, 2021

Mayor

ATTEST:

[City/Town] Clerk