



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1517

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H.P. 1110

House of Representatives, April 9, 2019

**An Act To Facilitate the Deployment of Small Wireless Facilities in  
Maine**

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Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative PIERCE of Falmouth.  
Cosponsored by Senator BREEN of Cumberland and  
Representatives: JORGENSEN of Portland, KESCHL of Belgrade, WADSWORTH of Hiram.

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

2 **Sec. 1. 30-A MRSA §4362** is enacted to read:

3 **§4362. Small wireless facilities**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
5 following terms have the following meanings.

6 A. "Small wireless facility" means a wireless facility each antenna of which could fit  
7 within an enclosure of no more than 3 cubic feet and of which all associated wireless  
8 equipment other than antennas, electric meters and concealment elements has a  
9 cumulative volume of no more than 28 cubic feet.

10 B. "Wireless facility" means equipment at a fixed location that enables wireless  
11 communications between user equipment and a communications network, including  
12 equipment associated with wireless communications; radio transceivers, antennas,  
13 coaxial or fiber-optic cable, regular and backup power supplies and rectifiers; and  
14 comparable equipment, regardless of technological configuration. "Wireless facility"  
15 includes a small wireless facility. "Wireless facility" does not include the structure or  
16 improvements on, under, within or adjacent to which the equipment is colocated or  
17 coaxial or fiber-optic cable that is between wireless support structures or poles or that  
18 is otherwise not immediately adjacent to or directly associated with a particular  
19 antenna.

20 **2. Small wireless facilities.** Notwithstanding any zoning or land use ordinance to  
21 the contrary, a small wireless facility must be a permitted use within the public  
22 right-of-way, subject to any duly adopted, nondiscriminatory conditions otherwise  
23 applicable to permitted uses within the municipality and consistent with state and federal  
24 law, including, without limitation, any permitting requirements in Title 35-A, chapter 25.

25 **SUMMARY**

26 This bill provides that a small wireless facility must be a permitted use within the  
27 public right-of-way, subject to any duly adopted, nondiscriminatory conditions otherwise  
28 applicable to permitted uses within the municipality and consistent with state and federal  
29 law, including, without limitation, any permitting requirements in the Maine Revised  
30 Statutes, Title 35-A, chapter 25.