An Act Regarding Net Neutrality and Internet Policy

Reference to the Committee on Energy, Utilities and Technology suggested and ordered printed.

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

Sec. 1. 5 MRSA §1541-B is enacted to read:

§1541-B. Net neutrality

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

A. "Commit state funds" means to enter into a contract, make a grant or otherwise commit any state funds, including but not limited to any act that would incur a financial obligation against the State Government subject to review under section 1541, subsection 2.

B. "Internet service provider" has the same meaning as in section 200-B, subsection 1-A, paragraph A.

2. Provider agreement. A state agency or instrumentality of the State may not commit state funds in a manner that the agency or instrumentality knows would result in a direct payment to an Internet service provider unless:

A. The Internet service provider agrees in writing to conform to the requirements of the Federal Communications Commission order, FCC 15-24, adopted on February 26, 2015, known as the Open Internet Order;

B. The agency or instrumentality notifies the State Controller of its intent to commit state funds in a manner that would result in a direct payment to an Internet service provider and provides at the same time to the State Controller a written agreement from the Internet service provider that conforms to the requirements of paragraph A; and

C. The State Controller finds that the requirements of paragraphs A and B have been satisfied and authorizes the state agency or instrumentality to commit state funds.

Nothing in this section limits the authority of the State Controller under any other provision of law to limit or prohibit a state agency or instrumentality of the State from committing state funds.

Upon receipt of information or complaint from any person that an Internet service provider may be failing to meet the requirements of an agreement made under this section, the Attorney General may undertake an investigation and take any action the Attorney General determines appropriate, including, but not limited to, action pursuant to section 192.

SUMMARY

This bill prohibits a state agency or instrumentality from committing state funds in a manner that the agency or instrumentality knows would result in a direct payment to an Internet service provider unless the Internet service provider agrees in writing to conform to the requirements of the Federal Communications Commission order, FCC 15-24, adopted on February 26, 2015, known as the Open Internet Order.