

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Protect Network Neutrality

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

Sec. 1. 35-A MRSA §7109 is enacted to read:

§ 7109. Nondiscriminatory provision of Internet services

1. Internet service provider defined. As used in this section, "Internet service provider" or "provider" has the same meaning as in Title 5, section 200-B, subsection 1-A, paragraph A.

2. Nondiscriminatory access. An Internet service provider offering service in this State:

A. Shall offer Internet services on demand, subject to the availability of facilities and capacity, and on a nondiscriminatory basis to similarly situated users;

B. May not block, impair, degrade or interfere with in a discriminatory manner the ability of any person to use, connect to, send over, post on or receive or offer lawful content, applications or service over the Internet;

C. Shall enable any content, application or service made available on the Internet to be offered, provided or posted on a basis that:

(1) Is reasonable and nondiscriminatory, including quality of service, access, speed and bandwidth;

(2) Is at least equivalent to the access, speed, quality of service and bandwidth that the Internet service provider offers to affiliated parties providing content, applications or services made available on the Internet by the Internet service provider; and

(3) Does not impose a charge on the basis of the type of content, applications or services made available by the Internet service provider or posted by any user;

D. May only prioritize content, applications or services made available by the provider and accessed by a user based on the type of content, applications or services and the level of service purchased by the user, but without charge for such prioritization;

E. Shall provide service on a first-come, first-served basis;

F. Shall make its Internet service available separately from any electronic communication or remote computation content provided by the Internet service provider;

G. Except as required by law, may not restrict or impede access between a content service provider and a customer or exercise control over the content of lawful communication or remote computation service tendered to the Internet service provider for distribution by a content provider;

H. May not prevent or obstruct a user from attaching to or using any device on the user's computer if the device does not physically damage or substantially degrade the use of the Internet service provider's services by other users; and

I. Shall provide and make available to each user information about the user's access to the Internet and the speed, nature and limitations of the user's Internet service.

3. Preserved rights and exceptions. An Internet service provider may, in a manner that does not violate subsection 2:

A. Protect the security of a user's computer or provide services in a manner that does not distinguish the source of ownership of content, application or service;

B. Offer directly to each user Internet service that does not distinguish the source or ownership of content, application or service at different prices based on different levels of bandwidth or the actual quantity of data flow over the user's connection;

C. Offer consumer protection services, including parental controls for indecent or unwanted content or software for the prevention of unsolicited commercial electronic messages or other similar capabilities, if each user is provided clear and accurate advance notice of the user's ability to refuse or disable consumer protection services; or

D. Handle breaches of the terms of service offered by the Internet service provider.

SUMMARY

This bill requires Internet service providers to offer nondiscriminatory access to the Internet for all users by offering the service on demand on a first-come, first-served basis, not blocking or interfering with content and making its service available separate from content the provider may offer. This bill also allows an Internet service provider to protect the security of a user's computer, offer consumer protection services and handle breaches of terms of service.