

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

—
H.P. 355 - L.D. 536

An Act to Establish Net Neutrality

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

Sec. 1. 10 MRSA c. 239 is enacted to read:

CHAPTER 239

NET NEUTRAL BROADBAND INTERNET ACCESS SERVICE

§1500-Z. Net neutral service required

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

A. "Broadband Internet access service" has the same meaning as in Title 5, section 1541-B, subsection 1, paragraph B.

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

C. "Net neutral service" has the same meaning as in Title 5, section 1541-B, subsection 1, paragraph E.

D. "Paid prioritization" has the same meaning as in Title 5, section 1541-B, subsection 1, paragraph F.

E. "Reasonable network management practice" means a practice that has a primarily technical network management justification and is primarily used for and tailored to achieving a legitimate network management purpose, taking into account the particular network architecture and technology of the broadband Internet access service. "Reasonable network management practice" includes a practice necessary to ensure sufficient capacity for customers of the Internet service provider if the practice is implemented on a nondiscriminatory basis. "Reasonable network management practice" does not include other business practices.

F. "Throttling" has the same meaning as in Title 5, section 1541-B, subsection 1, paragraph I.

2. Net neutral service required. An Internet service provider shall provide net neutral service in the provision of broadband Internet access service to customers in the State.

3. Unfair trade practice violation. A violation of this section constitutes a violation of the Maine Unfair Trade Practices Act, except that a person may not bring a private action under Title 5, section 213 based on a violation of this section.

4. Construction. This section does not:

A. Prohibit reasonable efforts by an Internet service provider providing broadband Internet access service to address copyright infringement or other unlawful activity;

B. Supersede any obligations, authorizations or restrictions on an Internet service provider providing broadband Internet access service to address the needs of emergency communications or law enforcement, public safety or national security authorities under the laws of the State and the United States of America and the United States Constitution and the Constitution of Maine; or

C. Prohibit an Internet service provider from offering broadband Internet access service plans that differ in speed or data limits, or offering plans with income-based eligibility, promotional offers or legacy pricing, as long as such plans are offered on a nondiscriminatory basis and are consistent with net neutral service.