

## OPPOSED: LD 536 - An Act to Establish Net Neutrality

April 2, 2025



Senator Lawrence, Representative Sachs, and distinguished members of the Joint Standing Committee on Energy, Utilities, and Technology,

As President of the [Maine Connectivity Authority](#) (MCA), Maine's agency to plan, develop, invest in, and sustain Maine's connectivity efforts, please see our qualified opposition for LD 536 in the current form and function.

My goal is to provide clarity on several issues addressed by this bill to further inform consideration of how to approach this nuanced issue at both a State and Federal level. It is important to acknowledge that this legislation and the Sponsor address a profoundly important issue for Maine's consumers and our broader digital infrastructure. The goal of ensuring a fast, fair, and open internet is central to our purpose as an agency. That said, LD 536 raises legal, technical, and policy concerns that merit careful consideration and further study.

**National Context and Legal Uncertainty:** LD 536 aims to incorporate net neutrality requirements for all internet service providers (ISPs) operating in Maine. However, as this Committee is aware, the net neutrality debate has evolved for more than two decades at the federal level, largely through the shifting policies of the Federal Communications Commission (FCC).

Although the FCC adopted administrative rules in 2024 (after a 2018 reversal of rules) to reinstate net neutrality standards, those rules were recently overturned in *Ohio Telecom Association v. FCC* (2025), with the court holding that the FCC lacks statutory authority to enforce such rules absent further Congressional action. In the absence of a clear federal standard, only a handful of states have moved to enact their own net neutrality laws—resulting in a patchwork of standards and unclear enforcement outcomes.

Given the highly interconnected nature of ISP infrastructure—both nationally and globally—it is difficult to assess how a state-specific standard could be enforced effectively without unintended consequences. Internet traffic and the business models that support its delivery do not stop at state lines.

**Market Conditions and Risk of Consumer Harm:** The broadband marketplace currently operates with minimal enforceable federal guardrails. There have been national press reports of ISP practices that include throttling and content blocking. In such an environment, consumers face uncertainty about the terms and quality of the internet service they are purchasing despite a growing trend (especially by providers in Maine) to utilize standard labeling. At the same time, ISPs require predictability to continue investing in Maine's digital infrastructure.

That is why we believe the Committee has a unique opportunity to take a measured, strategic approach that prioritizes consumer transparency while building a robust fact base to inform future legislation.

**Concerns with LD 536 as Drafted:** While we understand and support the underlying intent of LD 536, MCA has concerns about the scope and structure of the bill in its current form:

1. **The bill applies a broad definition of "net neutral service"** and would incorporate that standard into the Maine Unfair Trade Practices Act, exposing ISPs to enforcement risk without technical guidance or regulatory oversight.

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2. **There is no provision for rulemaking or expert interpretation**, which would place primary interpretive responsibility on the courts—a challenging outcome in such a fast-evolving and technical field.
3. **Other consumer-protection statutes in Maine**, such as the Petroleum Market Share Act, have established clear oversight frameworks, industry data collection, and reporting to inform both enforcement and policymaking. LD 536 currently lacks these elements.

Given these concerns, MCA recommends that the Committee **defer action on LD 536** for the remainder of this session. If the Committee feels it is necessary to take action during this special session, MCA urges a more focused and actionable alternative:

1. **Affirm the policy** of the State of Maine to promote access to a fast, fair, and open internet.
2. **Request Maine's Congressional Delegation** to advocate for federal legislation establishing a uniform national net neutrality standard.
3. **Require all ISPs operating in Maine to provide consumers with annual disclosure statements**, modeled on practices already required of video service providers. These statements would include:
  - Whether the ISP blocks, throttles, or prioritizes traffic.
  - Descriptions of any network management practices used, and whether they meet the definition of "reasonable network management."
4. **Submit these disclosures to MCA and Public Utilities Commission** to allow for review and analysis.
5. **Direct the PUC and MCA to jointly conduct a study**, in consultation with broadband stakeholders, to:
  - Assess the current regulatory landscape at the federal and state level.
  - Analyze current ISP practices and consumer impacts.
  - Evaluate how best to convey meaningful information to consumers.
  - Review State agency experience enforcing similar provisions under 5 MRS §1541-B.
  - Provide recommendations to the Legislature for further legislative or regulatory action.
6. **Engage the Office of the Attorney General to support this study** with legal guidance.
7. **Include a reasonable appropriation for MCA, PUC, and AG participation**, as we currently do not have the staff or funding allocated to undertake such an initiative.

This approach will give Maine consumers the tools to make informed choices in the current marketplace, while positioning the Legislature to act more decisively—and with more certainty—in the future. In conclusion, we encourage the Committee to allow time for thoughtful analysis and stakeholder input before advancing sweeping legislative changes.

Thank you for your consideration and attention to this issue. The Maine Connectivity Authority will be available for the work session.

A handwritten signature in blue ink, appearing to read "Andrew Butcher".

Andrew Butcher  
President, Maine Connectivity Authority