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HOUSE OF REPRESENTATIVES

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TESTIMONY BEFORE THE JOINT STANDING COMMITTEE ON ENERGY, UTILITIES & TECHNOLOGY LD 536 - An Act to Establish Net Neutrality

April 24, 2025

Senator Lawrence, Representative Sachs, and Members of the Joint Standing Committee on Energy, Utilities & Technology:

I stand before you today to advocate for the establishment of comprehensive net neutrality in Maine. While the debate around net neutrality has spanned decades, recent legal developments at the federal level have not only affirmed Maine's authority, but also have underscored the critical need for us to act decisively to protect the open internet for all Mainers.

This proposed legislation directly aligns with the connectivity goals this committee established in Title 35-A, §9403 when we established the Maine Connectivity Authority. That statute clearly articulates the state's commitment to ensuring universal, reliable and affordable high-speed internet access for all residents, businesses and community anchor institutions. It further emphasizes the importance of this connectivity for economic growth, healthcare, education and overall opportunity in our state. Allowing ISPs to block lawful content, throttle speeds or engage in paid prioritization directly contradicts these established goals, undermining the very principles of equitable and open access that our law seeks to uphold.

Maine has already demonstrated its commitment to an open internet with the passage of LD 1364 in 2019. This legislation established net neutrality protections for ISPs that contract with the state, prohibiting them from blocking or throttling content. Governor Mills recognized then that a free and open internet is vital for Maine people and small businesses. This bill builds upon that crucial precedent, extending these essential protections to all internet users in Maine, regardless of their ISP or whether state funds are involved.

Elevating the importance of free speech, net neutrality is a cornerstone of our democratic principles in the digital age. It ensures that internet service providers cannot become gatekeepers, censoring or discriminating against online content based on viewpoint or financial interests. Without these protections, the open exchange of ideas, which is fundamental to a healthy democracy, is at risk. Imagine a scenario where we have a President of the United States



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and a sympathetic majority in Congress who, through the power of their offices, coerces ISPs to suppress certain kinds of speech they don't agree with. ISPs could prioritize certain political viewpoints or block access to information they disagree with. This legislation safeguards against such a reality, ensuring that the internet remains a platform for diverse voices and unfettered access to information for every Maine citizen.

Recent decisions at the federal level, including the Supreme Court's ruling in *Loper Bright Enterprises v. Raimondo* and the Sixth Circuit's decision in *Ohio Telecom Association v. FCC*, have affirmed the authority of states to regulate in this area, especially where federal regulation is now limited. These rulings reinforce the legal foundation for Maine to enact its own net neutrality law.

In conclusion, this legislation is a logical and necessary next step to protect Maine's connectivity goals, build upon our existing commitment to an open internet, promote economic opportunity, safeguard free speech and ensure a fair online experience for all Mainers. The urgency of this matter, in my opinion, is greater than ever. Please do not delay.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Kessler", with a stylized flourish at the end.

Rep. Christopher Kessler