MAINE
STATE
CHAMBER
of
COMMERCE

The voice of Maine business

Testimony of Ashley Luszczki
In Opposition to L.D. 536, An Act to Establish Net Neutrality
Before the Energy, Utilities and Technology Committee
April 24, 2025

Senator Lawrence, Representative Sachs and members of the Joint Standing Committee on Energy, Utilities and Technology, my name is Ashley Luszczki. I am here on behalf of the Maine State Chamber of Commerce, representing a network of 5,000+ small to large businesses. Thank you for the opportunity to provide testimony in opposition to L.D. 536, An Act to Establish Net Neutrality.

Maine is in the midst of a historic buildout of broadband service, aiming to bring reliable, high-speed internet to the remaining unserved and underserved areas in the State. This investment - utilizing both private and public funds - is poised to bring about full connectivity – critical to our state's economic future. In areas where broadband is already available, providers are continuing to investing in extending and improving service, as evidenced by significant speed increases in recent years from cable, fiber, wireless, and satellite providers – driven by competition and consumer demand.

The Chamber believes L.D. 536 is not only unnecessary, but also potentially counterproductive to these efforts. Maine's Internet Service Providers (ISPs) already comply with long-standing principles of net neutrality: no blocking of lawful content, no paid prioritization, and no throttling of traffic. To our knowledge, there have been no reported violations of Maine's existing 2019 net neutrality law or the Federal Communications Commission's transparency rule.

It is important to note that a violation of these public disclosures would be a violation of Maine's Unfair Trade Practices Act. Our greatest concern lies in the inclusion of a private right of action (PRA), which would allow consumers to sue providers over perceived violations. The Chamber opposes PRAs to enforce state laws as they can be harmful to Maine's business climate.

This is not to say, however, that differences in perspective may not arise from time to time. While the bill includes a defense for "reasonable network management," a PRA could open the door to litigation over highly technical decisions. For example, consumers may interpret temporary slowdowns – particularly in satellite or wireless environments – as throttling, when in fact such management ensures equitable access for all users during peak demand.

Subjecting broadband providers to class action lawsuits over these technical issues would do little to help consumers, but would increase operational costs, discourage investment, and delay progress in expanding and improving service.

We believe the Attorney General (AG) is the more appropriate authority to evaluate consumer concerns and determine if enforcement is warranted. The AG can collect consumer input, including complaints, and can evaluate if there is a larger problem that needs to be addressed. Over time, the AG, broadband providers, and other interested stakeholders should develop a shared understanding of a range of typical issues that aids resolution of concerns rather than inevitably leads to litigation.

Again, we do not believe there is a current problem. However, should the committee decide to move forward with L.D. 536, we would request that the legislation be amended by removing the PRA and leaving enforcement up to the AG. We appreciate your consideration and your commitment to expanding broadband access – a critical tool for economic growth.