

MAINE STATE LEGISLATURE

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Date: 6/11/19

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**STATE OF MAINE
SENATE
129TH LEGISLATURE
FIRST REGULAR SESSION**

SENATE AMENDMENT "C" to COMMITTEE AMENDMENT "A" to H.P. 986,
L.D. 1364, Bill, "An Act Regarding Net Neutrality and Internet Policy"

Amend the amendment in section 1 in §1541-B in subsection 1 by inserting after paragraph A the following:

'B. "Broadband Internet access service" means a mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the service, but excluding dial-up Internet access service.'

Amend the amendment in section 1 in §1541-B in subsection 1 in paragraph D in the first line (page 1, line 25 in amendment) by striking out the following: "Internet service" and inserting the following: 'broadband Internet access service'

Amend the amendment in section 1 in §1541-B in subsection 1 in paragraph D in subparagraph (1) in the first line (page 1, line 27 in amendment) by inserting after the following: "devices" the following: ', subject to reasonable network management practices'

Amend the amendment in section 1 in §1541-B in subsection 1 by striking out all of paragraph E and inserting the following:

'E. "Paid prioritization" means management of the network of an Internet service provider that provides broadband Internet access service to directly or indirectly favor some traffic over other traffic, either in exchange for monetary or other consideration from a 3rd party or to benefit an affiliated entity.'

Amend the amendment in section 1 in §1541-B in subsection 1 by inserting after paragraph E the following:

'F. "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" does not include other business practices.'

SENATE AMENDMENT

ROFS

1 Amend the amendment in section 1 in §1541-B in subsection 1 by striking out all of
2 paragraph G and inserting the following:

3 'G. "Throttling" means impairing or degrading lawful Internet traffic on the basis of
4 Internet content, application or service or use of a nonharmful device, subject to
5 reasonable network management practices.'

6 Amend the amendment in section 1 in §1541-B in subsection 1 by relettering the
7 paragraphs to read alphabetically.

8 Amend the amendment in section 1 in §1541-B in subsection 2 in paragraph A in the
9 2nd line (page 2, line 6 in amendment) by striking out the following: "Internet service"
10 and inserting the following: 'broadband Internet access service'

11 Amend the amendment in section 1 in §1541-B in subsection 2 by inserting after the
12 2nd to last paragraph the following indented paragraphs to read:

13 'Nothing in this section prohibits reasonable efforts by an Internet service provider
14 providing broadband Internet access service to address copyright infringement or other
15 unlawful activity.

16 Nothing in this section supersedes any obligations, authorizations or restrictions on
17 an Internet service provider providing broadband Internet access service to address the
18 needs of emergency communications or law enforcement, public safety or national
19 security authorities under the laws of the State and the United States of America and the
20 United States Constitution and the Constitution of Maine.'

21 Amend the amendment by relettering or renumbering any nonconsecutive Part letter
22 or section number to read consecutively.

23 **SUMMARY**

24 This amendment defines and uses the term "broadband Internet access service,"
25 which is the term the Federal Communications Commission uses in its net neutrality
26 order, to refer to Internet services. The amendment modifies the definitions of the terms
27 "paid prioritization" and "throttling" to be consistent with the Federal Communications
28 Commission's net neutrality order. The amendment also clarifies that net neutrality
29 continues to allow Internet service providers, consistent with the Federal
30 Communications Commission's net neutrality order, to address copyright infringement or
31 other illegal activity and to address the needs of public safety and law enforcement as
32 permitted by law or the provider's ability to do so. This amendment incorporates the
33 provisions of House Amendment "A" to Committee Amendment "A."

34 **SPONSORED BY:** Mark Lawrence T.S.

35 (Senator LAWRENCE)

36 COUNTY: York

SENATE AMENDMENT