

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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**Legislative Document**

**No. 1675**

S.P. 580

March 22, 2007

### **An Act To Protect Network Neutrality**

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Reference to the Committee on Utilities and Energy suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator STRIMLING of Cumberland.  
Cosponsored by Representative BLISS of South Portland and Senators: MARTIN of Aroostook, MITCHELL of Kennebec, Representatives: ADAMS of Portland, FAIRCLOTH of Bangor, HINCK of Portland, PINGREE of North Haven, RINES of Wiscasset, SIMPSON of Auburn.

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

2 **Sec. 1. 35-A MRSA §7109** is enacted to read:

3 **§7109. Nondiscriminatory provision of Internet services**

4 **1. Internet service provider defined.** As used in this section, "Internet service  
5 provider" or "provider" has the same meaning as in Title 5, section 200-B, subsection 1-  
6 A, paragraph A.

7 **2. Nondiscriminatory access.** An Internet service provider offering service in this  
8 State:

9 A. Shall offer Internet services on demand, subject to the availability of facilities and  
10 capacity, and on a nondiscriminatory basis to similarly situated users;

11 B. May not block, impair, degrade or interfere with in a discriminatory manner the  
12 ability of any person to use, connect to, send over, post on or receive or offer lawful  
13 content, applications or service over the Internet;

14 C. Shall enable any content, application or service made available on the Internet to  
15 be offered, provided or posted on a basis that:

16 (1) Is reasonable and nondiscriminatory, including quality of service, access,  
17 speed and bandwidth;

18 (2) Is at least equivalent to the access, speed, quality of service and bandwidth  
19 that the Internet service provider offers to affiliated parties providing content,  
20 applications or services made available on the Internet by the Internet service  
21 provider; and

22 (3) Does not impose a charge on the basis of the type of content, applications or  
23 services made available by the Internet service provider or posted by any user;

24 D. May only prioritize content, applications or services made available by the  
25 provider and accessed by a user based on the type of content, applications or services  
26 and the level of service purchased by the user, but without charge for such  
27 prioritization;

28 E. Shall provide service on a first-come, first-served basis;

29 F. Shall make its Internet service available separately from any electronic  
30 communication or remote computation content provided by the Internet service  
31 provider;

32 G. Except as required by law, may not restrict or impede access between a content  
33 service provider and a customer or exercise control over the content of lawful  
34 communication or remote computation service tendered to the Internet service  
35 provider for distribution by a content provider;

36 H. May not prevent or obstruct a user from attaching to or using any device on the  
37 user's computer if the device does not physically damage or substantially degrade the  
38 use of the Internet service provider's services by other users; and

1 I. Shall provide and make available to each user information about the user's access  
2 to the Internet and the speed, nature and limitations of the user's Internet service.

3 **3. Preserved rights and exceptions.** An Internet service provider may, in a manner  
4 that does not violate subsection 2:

5 A. Protect the security of a user's computer or provide services in a manner that does  
6 not distinguish the source of ownership of content, application or service;

7 B. Offer directly to each user Internet service that does not distinguish the source or  
8 ownership of content, application or service at different prices based on different  
9 levels of bandwidth or the actual quantity of data flow over the user's connection;

10 C. Offer consumer protection services, including parental controls for indecent or  
11 unwanted content or software for the prevention of unsolicited commercial electronic  
12 messages or other similar capabilities, if each user is provided clear and accurate  
13 advance notice of the user's ability to refuse or disable consumer protection services;  
14 or

15 D. Handle breaches of the terms of service offered by the Internet service provider.

16 **SUMMARY**

17 This bill requires Internet service providers to offer nondiscriminatory access to the  
18 Internet for all users by offering the service on demand on a first-come, first-served basis,  
19 not blocking or interfering with content and making its service available separate from  
20 content the provider may offer. This bill also allows an Internet service provider to  
21 protect the security of a user's computer, offer consumer protection services and handle  
22 breaches of terms of service.