

MAINE STATE LEGISLATURE

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SMG
R. d/S.

L.D. 1364

Date: 10/16/19

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STATE OF MAINE
SENATE
129TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT "B" 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 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 striking out all of paragraph G and inserting the following:

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

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

Amend the amendment in section 1 in §1541-B in subsection 2 in paragraph A in the 2nd line (page 2, line 6 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 2 by inserting after the 2nd to last paragraph the following indented paragraphs to read:

R.O.S.

1 Nothing in this section prohibits reasonable efforts by an Internet service provider
2 providing broadband Internet access service to address copyright infringement or other
3 unlawful activity.

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

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

11 **SUMMARY**

12 This amendment includes the term "broadband Internet access service," which is the
13 term used by the Federal Communications Commission in its net neutrality order, to refer
14 to Internet services. The amendment modifies the terms "paid prioritization" and
15 "throttling" to be consistent with the Federal Communications Commission's net
16 neutrality order. The amendment also clarifies that net neutrality continues to allow
17 Internet service providers, consistent with the Federal Communications Commission's net
18 neutrality order, to address copyright infringement or other illegal activity and to address
19 the needs of public safety and law enforcement as permitted by law or the provider's
20 ability to do so.

21 **SPONSORED BY:** 
22 (Senator LAWRENCE)

23 **COUNTY: York**

SENATE AMENDMENT