

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON ENERGY, UTILITIES
AND TECHNOLOGY**

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STATE OF MAINE

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 129th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER..... carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE..... emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT..... legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY..... ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 129th Legislature is Thursday, September 19, 2019. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Energy, Utilities and Technology

This amendment was not adopted.

House Amendment "A" (H-504)

This amendment removes the emergency preamble and emergency clause.

LD 1364 An Act Regarding Net Neutrality and Internet Policy

PUBLIC 468

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GROHOSKI N BELLOWS S	OTP-AM ONTP	H-301 S-257 LAWRENCE M

This bill prohibits a state agency or instrumentality from committing state funds in a manner that the agency or instrumentality knows would result in a direct payment to an Internet service provider unless the Internet service provider agrees in writing to conform to the requirements of the Federal Communications Commission order, FCC 15-24, adopted on February 26, 2015, known as the Open Internet Order.

Committee Amendment "A" (H-301)

This amendment is the majority report of the committee. The amendment replaces the bill. The amendment narrows the scope and application of the prohibition in the bill regarding committing state funds for payment to an Internet service provider. The amendment prohibits an agency, department or instrumentality of the State from committing state funds to an Internet service provider unless the Internet service provider agrees to provide net neutral service in the provision of Internet service directly to the state entity or the provision of service across advanced communications infrastructure constructed with the use of state funds. The amendment defines "net neutral service" as Internet service provided without engaging in any of the following: blocking of lawful content, applications, services or devices; throttling; or paid prioritization. The amendment removes the requirement in the bill that prohibits the commitment of state funds to an Internet service provider unless that provider agrees, in providing any service, to conform to the requirements of the Federal Communications Commission order, FCC 15-24, known as the Open Internet Order.

Senate Amendment "C" To Committee Amendment "A" (S-257)

This amendment is the majority report of the committee. The amendment replaces the bill. The amendment narrows the scope and application of the prohibition in the bill regarding committing state funds for payment to an Internet service provider. The amendment prohibits an agency, department or instrumentality of the State from committing state funds to an Internet service provider unless the Internet service provider agrees to provide net neutral service in the provision of Internet service directly to the state entity or the provision of service across advanced communications infrastructure constructed with the use of state funds. The amendment defines "net neutral service" as Internet service provided without engaging in any of the following: blocking of lawful content, applications, services or devices; throttling; or paid prioritization. The amendment removes the requirement in the bill that prohibits the commitment of state funds to an Internet service provider unless that provider agrees, in providing any service, to conform to the requirements of the Federal Communications Commission order, FCC 15-24, known as the Open Internet Order.

Enacted Law Summary

Public Law 2019, chapter 468 prohibits an agency, department or instrumentality of the State from committing state funds to an Internet service provider unless the Internet service provider agrees to provide net neutral service in the provision of Internet service directly to the state entity or the provision of service across advanced communications infrastructure constructed with the use of state funds. The law defines "net neutral service" as Internet service provided without engaging in any of the following: blocking of lawful content,

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applications, services or devices; throttling; or paid prioritization. Restrictions on blocking lawful content, applications, services or devices and throttling traffic are subject to reasonable network management practices.

LD 1371 An Act To Ensure Nondiscriminatory Treatment of Public, Educational and Governmental Access Channels by Cable System Operators PUBLIC 245

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODSOME D O'CONNOR B	OTP ONTP	

This bill extends cable television service to rural areas by requiring all cable television franchises to provide line extensions with a minimum homes-per-mile requirement not to exceed 15 homes per mile.

The bill prohibits automatic franchise renewals beyond the initial term of the franchise renewal period, except for automatic franchise renewals in effect on the effective date of this legislation, which require advance notification of expiration from the cable system operator to the municipality. A cable system operator may not refuse to provide the municipality with required information to complete the renewal process.

The bill prohibits a cable system operator from modifying or amending the State's model franchise agreement without the consent of the municipality as arrived at during negotiations.

The bill includes provisions for the use and support of public, educational and governmental access channels and requires that these channels be placed in the same numerical sequence location as the local commercial network broadcast channels. The bill also requires all cable system operators in the State to carry public, educational and governmental access channels on the basic cable or video service offerings or tiers and specifies that the channels may not be separated or moved numerically from other channels carried on the basic cable or video service offerings or tiers without the agreement of the local unit of government or the entity to which the local unit of government has assigned responsibility for managing public, educational and governmental access channels, unless the change is required by federal law. In the event of transfer of the franchise license, the same channel numbers used by the incumbent cable system operator must be retained. The bill provides that any public, educational or governmental access channel that has been moved within the 24 months preceding the effective date of this legislation and without the consent of the originator must be restored within 60 days to its original location and number.

The bill requires all cable system operators in the State to work with the local unit of government or the entity to which the local unit of government has assigned responsibility for managing public, educational and governmental access channels to ensure that the signal sent from the point of origination to the cable system operator and delivered to the cable subscriber is of the same quality and format as originally created. A cable system operator is required to set up a toll-free telephone number for requests to resolve a signal quality problem.

The bill requires all cable system operators in the State to provide the local unit of government or the entity to which the local unit of government has assigned responsibility for managing public, educational and governmental access channels access to the entity that controls the electronic program guides in the same manner as the local broadcast channels if requested by the local unit of government or the entity to which the local unit of government has assigned responsibility for managing public, educational and governmental access channels. In addition, if channels are selected through a menu system, public, educational and governmental access channel designations must be displayed in a similar manner as local broadcast channel designations on the electronic program guide are displayed.

Enacted Law Summary

Public Law 2019, chapter 245 does the following.

1. It extends cable television service to rural areas by requiring all cable television franchises to provide line