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Legislative Document

No. 1364

H.P. 986

House of Representatives, March 21, 2019

An Act Regarding Net Neutrality and Internet Policy

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

Handwritten signature of Robert B. Hunt in cursive script.

ROBERT B. HUNT
Clerk

Presented by Representative GROHOSKI of Ellsworth.
Cosponsored by Senator BELLOWS of Kennebec and
Representatives: BERRY of Bowdoinham, CAIAZZO of Scarborough, DOUDERA of
Camden, Speaker GIDEON of Freeport, Senators: MIRAMANT of Knox, WOODSOME of
York.

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

2 **Sec. 1. 5 MRSA §1541-B** is enacted to read:

3 **§1541-B. Net neutrality**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Commit state funds" means to enter into a contract, make a grant or otherwise
7 commit any state funds, including but not limited to any act that would incur a
8 financial obligation against the State Government subject to review under section
9 1541, subsection 2.

10 B. "Internet service provider" has the same meaning as in section 200-B, subsection
11 1-A, paragraph A.

12 **2. Provider agreement.** A state agency or instrumentality of the State may not
13 commit state funds in a manner that the agency or instrumentality knows would result in
14 a direct payment to an Internet service provider unless:

15 A. The Internet service provider agrees in writing to conform to the requirements of
16 the Federal Communications Commission order, FCC 15-24, adopted on February
17 26, 2015, known as the Open Internet Order;

18 B. The agency or instrumentality notifies the State Controller of its intent to commit
19 state funds in a manner that would result in a direct payment to an Internet service
20 provider and provides at the same time to the State Controller a written agreement
21 from the Internet service provider that conforms to the requirements of paragraph A;
22 and

23 C. The State Controller finds that the requirements of paragraphs A and B have been
24 satisfied and authorizes the state agency or instrumentality to commit state funds.

25 Nothing in this section limits the authority of the State Controller under any other
26 provision of law to limit or prohibit a state agency or instrumentality of the State from
27 committing state funds.

28 Upon receipt of information or complaint from any person that an Internet service
29 provider may be failing to meet the requirements of an agreement made under this
30 section, the Attorney General may undertake an investigation and take any action the
31 Attorney General determines appropriate, including, but not limited to, action pursuant to
32 section 192.

33 **SUMMARY**

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