

Net Neutrality' Bill A Trap

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By Carol Weston

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I recently had an opportunity to attend the American Legislative Exchange Council, which is an organization that gives legislators from all 50 states an opportunity to share ideas and learn from one another about things that have worked, or not worked, in other states.

More specifically, I serve on ALEC's Telecommunications and Information Technology Task Force, which covers a range of issues including technology and the Internet. There is now tremendous pressure at both the state level and in Congress to revisit the previous policy of the United States, the Telecommunications Act of 1996. In the act, Congress declared that one of the goals of the Internet is "to preserve the vibrant and competitive free market that presently exists for the Internet and other interactive computer services, unfettered by federal or state regulation."

While it may be time for updates to that 1996 act, one proposal cropping up in the states is an attempt to regulate the Internet on a state-by-state basis. Under the banner of "net neutrality" state lawmakers are creating a maze of laws and rules all designed to tell one set of companies how to do business with another set of companies. A recent attempt in Maryland failed, while a California proposal was pulled before it could see the light of day. Unfortunately, Maine is next on the "let's all regulate the Internet tour." LD 1675 is essentially a carbon copy of the failed legislation in Maryland. It didn't work in Maryland and it won't work here for three simple reasons.

First, this is a federal issue. The attorney general of Maryland said it best when he said, "... it is well established that state laws that impose inconsistent state-to-state regulation on an area of interstate commerce will be found to violate the Commerce Clause." The laws here are pretty clear —this is not a battle for the states.

Second, this will stop investment in Maine's technology infrastructure. We are making tremendous progress here in Maine in extending broadband to all of Maine. We have more to do, and Gov. John Baldacci had made this a priority with "Connect Maine." The governor, in a press release, stated very clearly the objectives of Connect Maine, "... to ensure that 90 percent of Maine communities have broadband access by 2010; 100 percent of Maine communities have quality wireless service by 2008; and Maine's education system has the technology infrastructure that leads the nation."

This partnership relies on one very simple principle — Maine companies making investments expect that they will be able to see a return on those investments in exchange

for meeting broad policy goals that will be good for Maine people and the Maine economy. LD 1675 is a stake through the heart of this public-private partnership. Third, when government picks winners and losers in the free market, we usually all end up losing. In fact, the biggest losers would be the consumers. The proposed Internet regulations in LD 1675 do not protect consumers at all; instead, they are designed to protect multibillion-dollar Internet corporations — corporations that are not in Maine or investing in Maine. In short, the regulations proposed and supported by those corporations would rather see consumers in Maine pay the full cost of the upgraded network.

These are the same conclusions that we came to at the American Legislative Exchange Council, which is why we recently passed a resolution raising concerns over Internet regulation. ALEC's resolution recognizes, "the unprecedented advances that a free and open Internet has fostered as well as the exponential growth that has resulted from limited government involvement, ever increasing competition, and strong consumer demand."

Those are the principles that have worked and transformed our economy. We have many challenges here in Maine, and being the first state to impose Internet regulations found in LD 1675 will cost Maine jobs, harm the economy and stifle investment — which is exactly the wrong path for Maine.

Carol Weston is the Republican leader in the Maine Senate.