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**JUDICIARY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
132ND LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1244, L.D. 1873, “An Act to Require Age Verification for Online Obscene Matter”

Amend the bill by striking out everything after the enacting clause and inserting the following:

**'Sec. 1. 10 MRSA c. 239** is enacted to read:

**CHAPTER 239**

**AGE VERIFICATION FOR ONLINE OBSCENE MATTER**

**§1500-Y. Age verification for online obscene matter**

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

A. "Business entity" has the same meaning as in Title 24-A, section 1402, subsection 3-A.

B. "Internet service provider" has the same meaning as in Title 5, section 200-B, subsection 1-A, paragraph A.

C. "Obscene matter" has the same meaning as in Title 17, section 2911, subsection 1, paragraph D.

D. "Reasonable age-verification method" means a method for verifying that an individual is 18 years of age or older by:

- (1) Requiring the individual to provide a valid, government-issued identification;
- or
- (2) Requiring the individual to comply with any commercially reasonable age-verification system that relies on transactional data to verify the age of the individual.

**COMMITTEE AMENDMENT**

1 E. "Remote computing service" has the same meaning as in Title 16, section 641,  
2 subsection 7.

3 F. "Substantial portion of obscene matter" means, with respect to a website or Internet  
4 software application, that more than 1/3 of the total material on the website or Internet  
5 software application is obscene matter.

6 **2. Age verification required.** A business entity that knowingly or intentionally  
7 publishes or distributes obscene matter on a website or Internet software application that  
8 contains a substantial portion of obscene matter:

9 A. Shall verify that an individual attempting to access obscene matter is 18 years of  
10 age or older through reasonable age-verification methods;

11 B. Shall prevent access to obscene matter by an individual who has not attained 18  
12 years of age; and

13 C. May not retain, and may not permit a 3rd party that performs the age verification  
14 required by paragraph A to retain, identifying information of an individual after  
15 verifying the age of the individual.

16 **3. Exceptions.** The requirements of subsection 2 do not apply in the following  
17 circumstances.

18 A. The requirements of subsection 2 do not apply to a bona fide news or public interest  
19 broadcast, website video, report or event and may not be construed to affect the rights  
20 of a news-gathering organization.

21 B. The requirements of subsection 2 do not apply to an Internet service provider, an  
22 Internet service provider's affiliates or subsidiaries, a search engine or a remote  
23 computing service when that Internet service provider, affiliate, subsidiary, search  
24 engine or remote computing service provides access or connection to or from a website  
25 or other information or content on the Internet or within a facility, system or network  
26 not under the Internet service provider's, affiliate's, subsidiary's, search engine's or  
27 remote computing service's control, as long as the Internet service provider, affiliate,  
28 subsidiary, search engine or remote computing service is not responsible for creating  
29 or manufacturing the obscene matter.

30 **4. Unfair trade practice.** A business entity that violates the requirements of  
31 subsection 2 commits an unfair and deceptive act that is a violation of the Maine Unfair  
32 Trade Practices Act.'

33 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
34 number to read consecutively.

## 35 SUMMARY

36 This amendment, which is the minority report of the committee, replaces the bill. The  
37 amendment provides that a business entity that knowingly or intentionally publishes or  
38 distributes obscene matter on a website or Internet software application for which more  
39 than 1/3 of the material is obscene matter:

40 1. Is required to verify that an individual attempting to access obscene matter is 18  
41 years of age or older through reasonable age-verification methods;

