

April 15, 2025

RE: LD 1395

Dear Senator Rafferty and Members of the Committee,

On behalf of the Maine Library Association (MLA), representing hundreds of library professionals across the state, we urge you to vote **Ought Not to Pass** on LD 1395, *An Act Regarding Human Trafficking Prevention Instruction and Dissemination of and Access to Obscene Material in Schools*.

We share your concern for student safety. However, existing legislation has already addressed the concerns expressed in this bill. This bill threatens student access to reliable, age-appropriate educational resources while creating legal and constitutional risks.

Public schools receiving E-Rate funding must already follow the Children's Internet Protection Act (CIPA), which requires filters blocking obscene material, child pornography, and content harmful to minors. Most schools and libraries in the United States can apply for E-Rate discounts.

The educational databases used in Maine are carefully selected, developmentally appropriate, and far safer than open Internet searches. With tight library budgets, these resources must demonstrate a strong return on investment—librarians would never spend limited funds on inappropriate materials for students. These tools are chosen precisely because they support curriculum standards and provide trusted, age-appropriate content. Librarians work closely with educators and parents to promote safe, informed, and responsible access daily.

This bill also seeks to remove a long-standing First Amendment protection that allows public schools to use educational materials without fear of violating obscenity laws—an alarming shift that opens the door to censorship based on subjective interpretation. The U.S. Supreme Court's *Miller Test* (Miller v. California, 1973) establishes a strict three-part standard for defining obscenity: 1) whether the average person, applying contemporary community standards, would find that the work appeals to prurient interests; 2) whether the work depicts sexual conduct in a patently offensive way as defined by state law; and 3) whether the work lacks serious literary, artistic, political, or scientific value. In *Ginsberg v. New York* (1968), the Court also acknowledged that obscenity standards may vary depending on the audience; the standard must consider the oldest minors. Even so, it is extremely unlikely that any material meeting that legal definition of obscenity would ever be selected or deemed appropriate by educators or librarians in schools, public libraries, or post-secondary institutions.

The curated resources used in schools do not meet these definitions and are constitutionally protected. Weakening these protections could limit access to accurate, essential information—particularly on topics like health, development, consent, and abuse prevention.

Librarians are highly trained professionals. Librarians:

- Select age-appropriate digital tools;
- Follow all federal and state laws;
- Maintain safe digital environments;
- Support instruction on sensitive but vital topics.

LD 1395 would undermine their professional judgment with vague mandates that politicize library resources and limit student learning. This bill opens the door to discomfort-based censorship—not legal precedent or educational merit. It could lead to the defunding of entire databases over a single complaint.

The sections on trafficking and abuse prevention training are already covered under Maine law (Title 20-A §254.18) and don't require new legislation.

Libraries are not the problem—they are part of the solution. LD 1395 is unnecessary, legally flawed, and harmful to student access to safe, trusted information. **We respectfully urge the Committee to reject this bill.**

Sincerely,

Amy Wischart

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On behalf of the Maine Library Association Executive Board