



May 12, 2025

The Honorable Anne Carney, Senate Chair
The Honorable Amy Kuhn, House Chair
Joint Committee on Judiciary
Maine State Legislature
Augusta, ME 04330

Re: LD 1873 – An Act to Require Age Verification for Online Obscene Material

Dear Chair Carney, Chair Kuhn, and members of the Committee:

TechNet is the national, bipartisan network of technology companies that promotes the growth of the innovation economy by advocating a targeted policy agenda at the federal and 50-state level. TechNet's diverse membership includes 100 dynamic American businesses ranging from startups to the most iconic companies on the planet and represents over five million employees and countless customers in the fields of information technology, artificial intelligence, e-commerce, the sharing and gig economies, advanced energy, transportation, cybersecurity, venture capital, and finance.

TechNet respectfully recommends amendments to ensure that LD 1873 is appropriately scoped.

Stringent age-verification requires the collection of personal information such as birthdates, addresses, and government IDs. Without incorporating these amendments to ensure that the bill is narrowly tailored to the purpose of regulating websites that distribute obscene material, this bill would risk constitutionality issues and also be in conflict with data minimization requirements in the comprehensive data privacy bills currently before this Committee. Our amendments help align the bill with the similar Louisiana and Utah bills, both of which survived First Amendment challenges.

We recommend that the first paragraph be amended to specify that the bill applies to sites wherein a substantial portion of the total material is considered obscene. Specifically, in paragraph 1 we suggest the following addition:

Age verification required. A business entity that knowingly and intentionally publishes or distributes

obscene matter, as defined in Title 17, section 2911, subsection 1, paragraph D, on a website or software application **that contains more than 33-1/3% of such matter**, shall verify that an individual attempting to access the obscene matter is 18 years of age or older through reasonable age verification methods...

Alternatively, a similar law in Iowa utilized a multi-part test rather than a percentage of content. TechNet would be happy to work with the committee on either approach.

Thank you for your consideration. Please do not hesitate to contact me if I can provide any additional information or assistance.

Sincerely,



Christopher Gilrein
Executive Director, Northeast
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