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Testimony
In Support of

LD 1333 An Act to Protect Children by Modernizing Internet and Digital Media Filtering Requirements for Education

Senator Rafferty, Representative Brennan and fellow colleagues on the Education and Cultural Affairs Committee. I am Rep. Heidi Sampson, representing the good people of HD 136, Alfred and parts of Lyman and Waterboro. I am presenting you with ***LD 1333 An Act to Protect Children by Modernizing Internet and Digital Media Filtering Requirements for Education.***

This bill proposal will require both public and charter schools to implement modernizing and/or updating protective measures policies with regard to filtering and technology. It further requires these policies and standards to be established and adopted by the State Board of Education.

In bringing this piece of legislation to you and I am not suggesting any given District is not using a great program. This is simply a matter of updating the state law to modernize our standards. The intent is to assist in creating a set of standards for all districts to attain. It will also guide those districts needing specificity in order to improve their local policies and align with best practices.

As we have a highly connected network within our state's public-school systems, there are ample opportunities for collaboration with information and resources. Those Districts who have already set a high standard with the most modernized systems could be resources for other districts who have not quite met these goals.

This policy is not a new idea. Many other states are adopting this modernization of protective technological measures. It has already been embraced and implemented in 18 schools throughout the country including our nearby states of Massachusetts, New Hampshire and Rhode Island. Other states include Arizona, Arkansas, Colorado, Georgia, Idaho, Kansas, Kentucky, Louisiana, Missouri, Ohio, South Carolina, South Dakota, Tennessee, Utah and Virginia.

The implementation of these policies for filtering and technology protection measures will ensure that no person using school computers or digital devices has access to materials that are child pornography, harmful to minors, sexually explicit or obscene.

There is legal precedent, which can guide and inform our efforts to modernize the protective measures in our schools. The Miller test is the standard used by courts to define obscenity. The Miller v. California, United States Supreme Court, (1973) case set out a three-part test for determining whether or not material is obscene.

1. Whether the average person would find that the work, taken as a whole, appeals to the prurient (*unwholesome, indecent, salacious, unhealthy*) interest,
2. Whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and
3. Whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

In other words, the following questions must be answered:

1. Is it pornography?
2. Does it actually show sex?
3. Is it otherwise useless?

I look forward to our deliberations on this important issue as we keep our focus on the best interest of our students in this state.

I am happy to address any of your questions.