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AUGUSTA, MAINE 04333-0002
(207) 287-1440
MAINE RELAY 711

David W. Boyer Jr.

112 Verrill Road
Poland, ME 04274
David.Boyer@legislature.maine.gov
Cell: (207) 274-4633

Testimony of Rep. David Boyer introducing

LD 1742, An Act to Prohibit a State Social Media Platform Account from Restricting User Comments

Before the Joint Standing Committee on Judiciary

April 28, 2025

Senator Carney, Representative Kuhn, and esteemed members of the Committee on Judiciary, my name is Rep. David Boyer, and I am proud to present LD 1742, An Act to Prohibit a State Social Media Platform Account from Restricting User Comments.

This bill would require public entities—such as state agencies, school boards, and police departments—to allow comments on their social media platforms. Social media has become a primary channel for government communication, offering real-time updates and a direct line to the public. However, restricting comments on these platforms can stifle engagement and limit accountability. LD 1742 ensures that Maine's government remains accessible and responsive in the digital age.

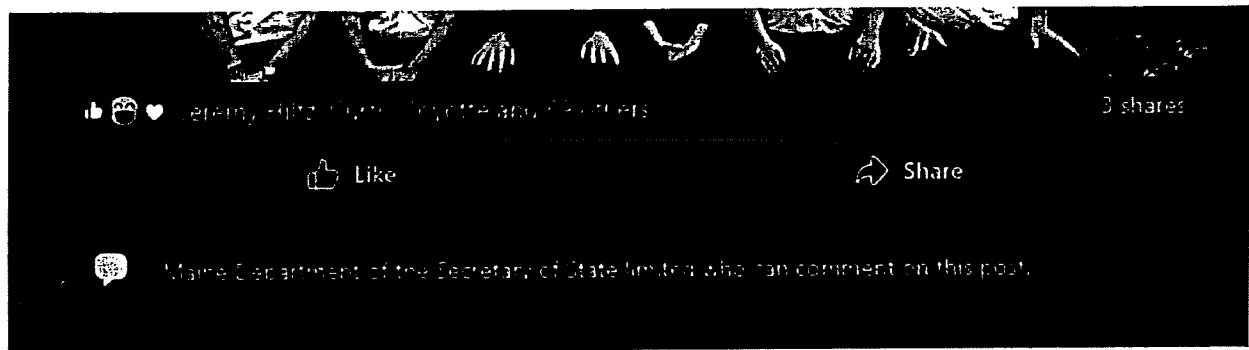
By allowing comments, we safeguard the public's right to engage with government actions and policies, ensuring that every voice can be heard. Beyond fostering free expression, allowing comments on government posts offers a practical benefit: valuable feedback. Public input on social media can help state, county, and municipal entities better understand community needs, address concerns, and improve their services.

The bill allows administrators of these accounts to report comments that violate the Community Standards or Terms of Use of the respective social media platforms. This provision ensures that inappropriate or harmful comments can be managed without undermining the public's right to participate, addressing potential concerns while maintaining the bill's intent. However, I would like to recommend an amendment to include language allowing for comment deletion in instances where someone's safety is in immediate danger, ensuring a balance between free expression and public safety.

Our First Amendment rights are well established in public settings. Free speech applies on sidewalks, in town squares, and beyond. I believe social media is a modern public square, and comments on these platforms are akin to standing on a sidewalk with a

bullhorn. While I strongly support allowing comments, I can understand the rationale for a blanket prohibition on commenting in certain contexts. What I find concerning—and what I believe sends the wrong message from our government—is the practice of selectively allowing only certain people to comment.

For example, the Maine Department of the Secretary of State's Facebook page currently states that the agency has limited who can comment on its posts. I have provided a screenshot of this for your reference. This selective restriction undermines the principles of open dialogue and fairness that our government should uphold.



If the committee does not have an appetite to pass LD 1742 as written, I urge you to consider, at the very least, establishing a clear policy in one direction or the other—either allowing all comments or prohibiting them entirely—rather than permitting selective restrictions that exclude certain voices.

I appreciate the committee's time and consideration. I hope you will support LD 1742 and help foster a more open, participatory, and responsive government for the people of Maine. This bill is a forward-thinking measure that strengthens our state's commitment to transparency and public involvement in the digital era.

Thank you.