



Testimony in Support of LD 1742:

"An Act to Prohibit a State Social Media Platform Account from Restricting User Comments"

Senator Carney, Representative Kuhn, and the distinguished members of the Committee on Judiciary, my name is Harris Van Pate, and I serve as policy analyst for Maine Policy Institute. Maine Policy is a free-market think tank, a nonpartisan, non-profit organization that advocates for individual liberty and economic freedom in Maine. Thank you for the opportunity to submit testimony in support of LD 1742, "An Act to Prohibit a State Social Media Platform Account from Restricting User Comments."

At its core, LD 1742 seeks to preserve the fundamental principle that government must not suppress free expression. This bill would prohibit state, county, or municipal agencies, officials, and their account administrators from restricting user comments on official government social media accounts, ensuring that these modern public forums remain open to all.

In today's digital age, government communication often takes place on platforms like Facebook, Twitter (now known as X), and Instagram. These platforms serve as extensions of the public square. When government entities use these forums to share information, they must respect the public's First Amendment rights, just as they would in a town hall meeting or on the steps of the Statehouse.

The United States Supreme Court has made clear in recent decisions, such as *Packingham v. North Carolina* (2017) and pending cases concerning the government's use of social media, that restricting citizens from engaging in open discussion on publicly available forums violates constitutional protections. Government actors must not pick and choose whose voices are heard.

Allowing officials or their designees to delete comments or block individuals based on viewpoint not only violates free speech principles but also erodes public trust in government transparency and accountability. Citizens must have the freedom to voice their praise, concerns, criticisms, and ideas, regardless of whether those views align with those currently in power.

Notably, LD 1742 is carefully drafted to strike a balance between free speech rights and the need for platform governance. It does not prevent social media companies from applying content-neutral rules against spam, threats, or obscenity themselves. Nor does it restrict government officials from enforcing platform-wide rules, provided those rules are applied evenly and fairly.



Maine has an opportunity to be a national leader in protecting citizens' digital rights against government censorship. At a time when political discourse is increasingly polarized, it is critical that the government create spaces for open dialogue, not stifle it. LD 1742 furthers the values of transparency, open government, and respect for constitutional liberties that are essential to a healthy republic.

For these reasons, Maine Policy Institute strongly urges the committee to vote "Ought to Pass" on LD 1742. Thank you for your consideration.