

**DEPUTY DISTRICT ATTORNEY**  
**JUSTINA A. MCGETTIGAN**

**VICTIM/WITNESS ADVOCATES:**

**PAMELA A. ROBERTS, Director**  
**RACHEL V. SHERMAN**  
**MEAGHAN J. MCAVOY**  
**MICHAELA M. SUSBURY**  
**LAURI A. NELSEN**



**KATHRYN LOFTUS SLATTERY**  
**DISTRICT ATTORNEY**  
**YORK COUNTY COURTHOUSE**  
**208 GRAHAM STREET**  
**BIDDEFORD, ME 04005**  
**TEL: (207) 324-8001**  
**FAX: (207) 284-8416**

**ASSISTANT DISTRICT ATTORNEYS**  
**TANYA L. PIERSON**  
**LINDA HOLDSWORTH DONOVAN**  
**JOHN W. CONNELLY**  
**THADDEUS W. WEST**  
**LAUREN K. DALEY**  
**ANNE MARIE PAZAR**  
**SHIELA E. NEVELLS**  
**ANDREW E. BERGGREN**  
**MARK E. SQUIRES**  
**KRISTEN R. DORION**  
**MATTHEW J. RICHWALDER**  
**LAURENCE D. ADAMS**  
**TAYLOR N. SAMPSON**  
**LYNNA P. MOEN**  
**MADELYN P. THOMAS**

**York County District Attorney's Office**  
**Andrew Berggren, Assistant District Attorney**  
"An Act to Protect Children and Adults from Technology-facilitated Sexual Abuse"  
Before the Joint Standing Committee on Judiciary  
Public Hearing Date: May 12, 2025  
Testimony in Support of LD 1944

Senator Carney, Representative Kuhn and members of the Joint Standing Committee on Judiciary. My name is Andrew Berggren, I am an assistant district attorney in York County and I prosecute crimes associated with child sexual abuse material. Today I represent the Maine Prosecutors Association and I am here to testify in support of LD 1944.

With the developments in generative artificial intelligence ("AI"), the ways in which offenders can exploit children have increased significantly in the past couple of years. By "training" generative AI models, images of CSAM can be created using existing photos of victims or can be created from scratch using CSAM as training materials for the AI. Under the existing statutory structure, would be offenders who seek to create, possess and disseminate these generative AI materials cannot be prosecuted.

LD 1944 closes the gap created by the AI technological advance while not conflicting with an individual's 1<sup>st</sup> Amendment protections. The bill addresses three categories of CSAM:

- Images of Actual Children.
- Images of Actual Children that have been altered; and
- Images that created by generative AI.

Each of the above three categories are distinct in their creation, therefore requiring a different definition and each have a respective constitutional analysis. The bill addresses each. CSAM images of an actual child or an actual child where the images has been altered is not protected by the 1<sup>st</sup> Amendment<sup>1</sup>, however, under the current statute, the State must prove in fact the image is of an actual child. The change to "identifiable child" changes that.

---

<sup>1</sup> New York v. Ferber, 458 U.S. 747, 102 S.Ct. 3348, 73 L.Ed.2d 1113 (1982); Ashcroft v. Free Speech Coalition, 535 U.S. 234 (2002).

In the case where CSAM is created with generative AI, the State must show the image is of CSAM, but also that it is obscene<sup>2</sup>. The bill includes these definitions as well as considerations for a trier of fact.

The bill also provides both investigators and prosecutors with the tools to address the methods and tools offenders employ in the creation, dissemination and possession of CSAM materials to further prosecute these crimes, such as the ability to consider the circumstances in which a CSAM image was disseminated or exhibited, such the title of an image or the use of Peer-to-Peer networks, are to be considered in determining an image's intended recipient.

In closing, LD 1944 is essential to allow the continued investigation and prosecution of offenders that victimize our most vulnerable population with artificial intelligence while necessarily balancing 1<sup>st</sup> amendment protections.

For all of those reasons, the Maine Prosecutors Association in support of LD 1944.

---

<sup>2</sup> Miller v. California, 413 U.S. 15, 93 S.Ct. 2607, 37 L.Ed.2d. 419.