

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 230

H.P. 153

House of Representatives, January 21, 2025

**An Act to Protect Minors from Harmful Depictions Generated by
Artificial Intelligence**

Received by the Clerk of the House on January 16, 2025. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative CAMPBELL of Orrington.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 14 MRSA c. 765** is enacted to read:

3 **CHAPTER 765**

4 **CIVIL RECOVERY FOR USE OF IMAGES OF MINOR**

5 **§9101. Advertising using image of minor**

6 **1. Consent required.** A person may not use or display in an advertisement a picture,
7 image or likeness of a minor except by written permission of the minor's parent or guardian.

8 **2. Images generated by artificial intelligence prohibited.** A person may not use or
9 display in an advertisement a picture, image or likeness of a specific minor artificially
10 generated by technology, including artificial intelligence technology.

11 **3. Private right of action.** A minor or the parent or guardian of a minor whose picture,
12 image or likeness is used or displayed in an advertisement in violation of this section may
13 bring a civil action against the person who used or displayed the picture, image or likeness
14 for legal and equitable relief, including actual damages, compensatory damages, punitive
15 damages and injunctive relief. A minor or the parent or guardian of a minor who prevails
16 in an action under this subsection is entitled to an award of reasonable attorney's fees and
17 court costs, including expert witness fees.

18 **Sec. 2. 17-A MRSA §283, sub-§1, ¶A**, as amended by PL 2015, c. 394, §3, is
19 further amended to read:

20 A. The person intentionally or knowingly disseminates or possesses with intent to
21 disseminate any book, magazine, newspaper, print, negative, slide, motion picture,
22 videotape, computer data file or other mechanically, electronically or chemically
23 reproduced visual image or material that depicts or that, through the use of artificial
24 intelligence technology, is designed to artificially depict any person who has not in fact
25 attained 16 years of age who the person knows or has reason to know is a person under
26 16 years of age engaging in sexually explicit conduct, except that it is not a violation
27 of this paragraph if the person depicted is 14 or 15 years of age and the person is less
28 than 5 years older than the person depicted. Violation of this paragraph is a Class C
29 crime;

30 **Sec. 3. 17-A MRSA §283, sub-§1, ¶C**, as enacted by PL 2003, c. 711, Pt. B, §12,
31 is amended to read:

32 C. The person intentionally or knowingly disseminates or possesses with intent to
33 disseminate any book, magazine, newspaper, print, negative, slide, motion picture,
34 videotape, computer data file or other mechanically, electronically or chemically
35 reproduced visual image or material that depicts or that, through the use of artificial
36 intelligence technology, is designed to artificially depict any minor who is less than 12
37 years of age who the person knows or has reason to know is a minor less than 12 years
38 of age engaging in sexually explicit conduct. Violation of this paragraph is a Class B
39 crime; or

1 **SUMMARY**

2 This bill requires parental consent for the use or display in an advertisement of a
3 picture, image or likeness of a minor and prohibits the use or display in an advertisement
4 of a picture, image or likeness of a specific minor artificially generated by artificial
5 intelligence technology. A minor or a parent or guardian of a minor may bring a civil action
6 for legal and equitable relief against a person who violates these restrictions.

7 The bill also clarifies that a person is guilty of dissemination of sexually explicit
8 material depicting a minor who has not attained 16 years of age or who has not attained 12
9 years of age if the image or material depicting the minor was generated through the use of
10 artificial intelligence technology.