

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2025

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Legislative Document

No. 1873

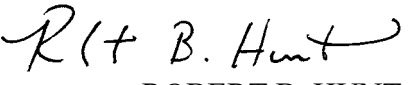
H.P. 1244

House of Representatives, May 5, 2025

### An Act to Require Age Verification for Online Obscene Matter

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Received by the Clerk of the House on May 1, 2025. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

  
ROBERT B. HUNT  
Clerk

Presented by Representative SMITH of Palermo.  
Cosponsored by Representatives: COLLINS of Sidney, OLSEN of Raymond, PAUL of Winterport.

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

2 Sec. 1. 10 MRSA c. 239 is enacted to read:

3 **CHAPTER 239**

4 **AGE VERIFICATION FOR ONLINE MATERIAL**

5 **§1500-Y. Age verification for online obscene matter**

6 **1. Age verification required.** A business entity that knowingly and intentionally  
7 publishes or distributes obscene matter, as defined in Title 17, section 2911, subsection 1,  
8 paragraph D, on a website or software application shall verify that an individual attempting  
9 to access the obscene matter is 18 years of age or older through reasonable age verification  
10 methods, including, but not limited to, providing a valid, government-issued identification  
11 or through methods that rely on public or private transactional data to verify the age of the  
12 individual attempting to access the obscene matter. The business entity shall prevent access  
13 to the obscene matter by an individual who has not attained 18 years of age. A business  
14 entity that performs an age verification required pursuant to this subsection may not retain  
15 any identifying information of the individual after the individual's age has been verified.

16 For the purposes of this chapter, "business entity" has the same meaning as in Title 24-A,  
17 section 1402, subsection 3-A.

18 **2. Exceptions.** This section does not apply to any bona fide news broadcast or public  
19 interest broadcast, video, report or event and does not affect the rights of a news  
20 organization.

21 An Internet service provider, as defined in Title 5, section 200-B, subsection 1-A,  
22 paragraph A, or an Internet service provider's affiliates or subsidiaries, a search engine or  
23 a provider of so-called cloud hosting services does not violate this section solely for  
24 providing access or connection to or from a website or other information or content on the  
25 Internet or on a facility, system or network not under the Internet service provider's,  
26 affiliate's, subsidiary's, search engine's or provider's control, including by transmission or  
27 downloading, or through intermediate storage or access software, to the extent the Internet  
28 service provider, affiliate, subsidiary, search engine or provider is not responsible for the  
29 creation of the obscene matter.

30 **3. Violation; liability.** A business entity that is found to have violated subsection 1 is  
31 liable to an individual for damages resulting from a minor's accessing the obscene matter,  
32 including court costs and reasonable attorney's fees. A business entity that is found to have  
33 knowingly retained identifying information of an individual after the individual's age has  
34 been verified is liable to the individual for damages resulting from retaining the identifying  
35 information, including court costs and reasonable attorney's fees.

36 If the Attorney General has reason to believe that a business entity is in violation of this  
37 section, the Attorney General may bring an action against the business entity for an unfair  
38 or deceptive act or practice as prohibited under Title 5, section 207.

39 **4. Rules.** The Attorney General shall adopt rules for the administration and  
40 implementation of this chapter, including procedures for receiving and investigating

1 complaints of violations, and shall establish penalties for violations. Rules adopted  
2 pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375,  
3 subchapter 2-A.

#### 4 **SUMMARY**

5 This bill requires that a business entity that knowingly and intentionally publishes or  
6 distributes obscene matter on a website or software application verify that an individual  
7 attempting to access the obscene matter is 18 years of age or older through reasonable age  
8 verification methods. The bill prohibits a business entity that performs an age verification  
9 of an individual from retaining any identifying information of the individual after the  
10 individual's age has been verified. The bill does not apply to a bona fide news broadcast  
11 or public interest broadcast, video, report or event. A business entity that is found to have  
12 violated the provisions of the bill is liable to an individual for damages including court  
13 costs and reasonable attorney's fees, and the Attorney General may bring an action against  
14 the business entity for an unfair or deceptive act or practice.