

MAINE STATE LEGISLATURE

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BK
BOS

LD 1008

Date 6/8/23 MINORITY

(Filing No H-415)

EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE

HOUSE OF REPRESENTATIVES

131ST LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H P 644, LD 1008, "An Act to Establish a Rating System for Books in School Libraries"

Amend the bill by striking out everything after the enacting clause and inserting the following

'Sec. 1. 20-A MRS A §4710-C is enacted to read

§4710-C. Content rating of books and written materials

1. Content rating requirements. A school administrative unit or public charter school under chapter 112 may not distribute or place in a school library a book or other written material that is not assigned a standard content rating as provided by this subsection. The school administrative unit or public charter school shall affix to the front cover of the book or written material a label indicating its assigned content rating.

A The school administrative unit or public charter school shall assign the content rating "BK-G" to a book or written material that is intended for all ages. Content with this rating may contain little or no profanity or violent or sexual themes.

B The school administrative unit or public charter school shall assign the content rating "BK-PG" to a book or written material that is intended to be read by young children only with the guidance of an adult. Content with this rating may contain sexual dialogue or situations, infrequent profanity and moderate violence.

C The school administrative unit or public charter school shall assign the content rating "BK-13" to a book or written material that is intended to be read by children 13 years of age or older. Content with this rating may contain intensely sexual dialogue or situations, profanity and intense violence.

D The school administrative unit or public charter school shall assign the content rating "BK-MA" to a book or written material that is intended for persons 18 years of age or older. Content with this rating may contain explicit depictions of sexuality, strong profanity and graphic violence.

COMMITTEE AMENDMENT



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2. Rating restrictions; school libraries. A school administrative unit or public charter school under chapter 112 may not make available

A Books or written materials with BK-PG, BK-13 or BK-MA ratings in elementary school libraries,

B Books or written materials with BK-13 or BK-MA ratings in middle school libraries, and

C Books or written materials that do not have an assigned rating as provided in this section

3. Department review. The department may review a content rating assigned by a school administrative unit or public charter school to a book or written material under this section. If the department disagrees with the assigned content rating, the department shall provide written notice to the school administrative unit or public charter school, which must include the content rating the department determines appropriate for the book or written material and information about the school administrative unit's or public charter school's duty under this subsection. No later than the 120th day after the school administrative unit or public charter school receives the written notice from the department, the school administrative unit or public charter school shall

A Change the content rating for the book or written material per the department's recommendation, or

B Cease all distribution and placement of the book or written material and issue a recall for all copies of the book or written material distributed or placed in a school library in the school administrative unit or public charter school.

A school administrative unit or public charter school shall notify the department of the school administrative unit's or public charter school's action taken under this subsection.

4. Rules. The department may adopt rules to implement this section. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment, which is the minority report of the committee, replaces the bill. The amendment removes references to book publishers in the bill and instead requires school administrative units and public charter schools to assign the content ratings.

FISCAL NOTE REQUIRED

(See attached)



131st MAINE LEGISLATURE

LD 1008

LR 789(02)

An Act to Establish a Rating System for Books in School Libraries

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-415)

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Fiscal Note

Potential State Mandate - Unfunded

State Mandates

Required Activity

Requires local school administrative units to assign content ratings for books or other written material in a school library that are not assigned a standard content rating and affix to the front cover of the book or written material a label indicating its assigned content rating. Also requires school administrative units to change the content rating for a book or written material if, after review, the Department of Education assigns a different rating.

Unit Affected

School

Local Cost

Moderate statewide

The required local activities in this bill may represent a state mandate pursuant to the Constitution of Maine. If the bill does require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue, the state mandate provisions of the Constitution of Maine require either (1) General Fund appropriations be provided to fund at least 90% of any additional necessitated local costs of the mandate, or (2) a Mandate Preamble be added to the bill and two-thirds of the members of each House vote to exempt the mandate from the funding requirement. If the bill does represent a state mandate and neither one of these actions occurs, the local units of government will not be required to implement the mandated activities.

Fiscal Detail and Notes

Additional costs to the Department of Education associated with the rulemaking process can be absorbed within existing budgeted resources.