

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1333

H.P. 847

House of Representatives, March 28, 2023

**An Act to Protect Children by Modernizing Internet and Digital
Media Filtering Requirements for Education**

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative SAMPSON of Alfred.
Cosponsored by Senator LIBBY of Cumberland and
Representatives: CROCKETT of Portland, GUERRETTE of Caribou, HYMES of Waldo,
LYMAN of Livermore Falls, Senator: RAFFERTY of York.

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

2 **Sec. 1. 20-A MRSA §405, sub-§3, ¶V**, as amended by PL 2015, c. 72, §2, is further
3 amended to read:

4 V. Study school administrative unit configuration statewide; ~~and~~

5 **Sec. 2. 20-A MRSA §405, sub-§3, ¶W**, as enacted by PL 2015, c. 72, §3, is
6 amended to read:

7 W. Enter into an interstate reciprocity agreement regarding postsecondary distance
8 education, administer the agreement and approve or disapprove an application to
9 participate in the agreement from a postsecondary institution that has its principal
10 campus in the State; and

11 **Sec. 3. 20-A MRSA §405, sub-§3, ¶X** is enacted to read:

12 X. Adopt or amend rules to prevent material that is child pornography, harmful to
13 minors, sexually explicit or obscene from being transmitted by video, computer system,
14 software or hardware product or Internet service managed or provided to school
15 administrative units, including prevention by means of filtering and technology
16 protection measures. For purposes of this paragraph, "filtering" means a specific
17 technology that blocks or filters Internet access to defined types of material, "obscene"
18 means material that meets the 3 requirements set forth in Miller v. California, 413 U.S.
19 15, and "technology protection measures" means a hardware or software application
20 that limits access to content or applications according to parameters set by a user with
21 administrative access to the software or hardware application.

22 **Sec. 4. 20-A MRSA §2416** is enacted to read:

23 **§2416. Filtering and technology protection measures**

24 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
25 following terms have the following meanings.

26 A. "Filtering" means an application or tool that blocks or filters Internet access to
27 defined types of material.

28 B. "Obscene" means material that meets the 3 requirements set forth in Miller v.
29 California, 413 U.S. 15.

30 C. "Technology protection measures" means a hardware or software application that
31 limits access to content or applications according to parameters set by a user with
32 administrative access to the software or hardware application.

33 **2. Filtering required.** A public charter school shall use the latest available filtering
34 technology to ensure that material that is child pornography, harmful to minors, sexually
35 explicit or obscene is not made available to students.

36 **3. Technology protection measures required.** If providing access to a computer or
37 digital device, a public charter school shall update and enforce technology protection
38 measures to ensure that no person using public charter school computers or digital devices
39 has access to materials that are child pornography, harmful to minors, sexually explicit or
40 obscene.

1 **4. Disablement of technology protection measures.** An employee of a public charter
2 school may disable technology protection measures otherwise required by this section or
3 department rule only for legitimate education purposes for students in secondary school.
4 An employee of an elementary school may not disable technology protection measures.

5 **5. Policies; report.** A public charter school shall:

6 A. Update enforcement policies regarding filtering and technology protection
7 measures;

8 B. Report policies updated under paragraph A to the department; and

9 C. Make policies updated under paragraph A available to the public within one year
10 of the update.

11 **Sec. 5. 20-A MRSA §4015** is enacted to read:

12 **§4015. Filtering and technology protection measures**

13 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
14 following terms have the following meanings.

15 A. "Filtering" means an application or tool that blocks or filters Internet access to
16 defined types of material.

17 B. "Obscene" means material that meets the 3 requirements set forth in Miller v.
18 California, 413 U.S. 15.

19 C. "Technology protection measures" means a hardware or software application that
20 limits access to content or applications according to parameters set by a user with
21 administrative access to the software or hardware application.

22 **2. Filtering required.** A school administrative unit shall use the latest available
23 filtering technology to ensure that material that is child pornography, harmful to minors,
24 sexually explicit or obscene is not made available to students.

25 **3. Technology protection measures required.** If providing access to a computer or
26 digital device, a school administrative unit shall update and enforce technology protection
27 measures to ensure that no person using school administrative unit computers or digital
28 devices has access to materials that are child pornography, harmful to minors, sexually
29 explicit or obscene.

30 **4. Disablement of technology protection measures.** An employee of a school
31 administrative unit may disable technology protection measures otherwise required by this
32 section or department rule only for legitimate education purposes for students in secondary
33 school. An employee of an elementary school may not disable technology protection
34 measures.

35 **5. Policies; report.** A school administrative unit shall:

36 A. Update enforcement policies regarding filtering and technology protection
37 measures;

38 B. Report policies updated under paragraph A to the department; and

39 C. Make policies updated under paragraph A available to the public within one year
40 of the update.

SUMMARY

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This bill requires the State Board of Education to adopt rules to prevent material that is child pornography, harmful to minors, sexually explicit or obscene from being transmitted by video, computer system, software or hardware product or Internet service managed or provided to school administrative units. The bill requires public schools and charter schools to implement policies, filtering and technology protection measures to ensure that no person using school computers or digital devices has access to materials that are child pornography, harmful to minors, sexually explicit or obscene.