

MAINE STATE LEGISLATURE

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Date: 3/9/26 MAJORITY (Filing No. H-837)

JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
132ND LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 335, L.D. 517, "An Act to Protect the First Amendment Rights of Individuals in the State"

Amend the bill by striking out the title and substituting the following:

'An Act Regarding Synthetic Media in Campaign Advertising'

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

Sec. 1. 21-A MRSA §1014, sub-§3, as amended by PL 2025, c. 224, §7, is further amended to read:

3. Broadcasting prohibited without disclosure. A Except as provided in subsection 5-C, paragraph C, a person operating a broadcast, cable or satellite system within this State may not broadcast any public communication, as described in subsections 1 to 2-A, without an oral or written visual announcement of the each disclosure required by this section.

Sec. 2. 21-A MRSA §1014, sub-§3-B, as amended by PL 2025, c. 224, §7, is further amended to read:

3-B. Newspapers. A Except as provided in subsection 5-C, paragraph C, a newspaper may not publish a public communication described in subsections 1 to 2-A without including the each disclosure required by this section. For purposes of this subsection, "newspaper" includes any printed material intended for general circulation or to be read by the general public, including a version of the newspaper displayed on a website owned or operated by the newspaper. When necessary, a newspaper may seek the advice of the commission regarding whether or not a communication requires the disclosure.

Sec. 3. 21-A MRSA §1014, sub-§4, as amended by PL 2025, c. 224, §7, is further amended to read:

4. Enforcement. A violation of this section may result in a civil penalty of no more than 100% of the amount of the expenditure in violation, except that a violation of subsection 5-C may result in a civil penalty of no more than 500% of the amount of the expenditure in violation and except that an expenditure for yard signs lacking the required

COMMITTEE AMENDMENT

1 information may result in a maximum civil penalty of \$200. In assessing a civil penalty,
2 the commission shall consider, among other things, how widely the public communication
3 was disseminated, whether the violation was intentional, whether the violation occurred as
4 the result of an error by a printer or other paid vendor and whether the public
5 communication conceals or misrepresents the identity of the person who financed it. If the
6 person who financed the public communication or who committed the violation corrects
7 the violation within 10 days after receiving notification of the violation from the
8 commission by adding the missing information to the public communication, the
9 commission may, except for a violation of subsection 5-C, decide to assess no civil penalty.

10 **Sec. 4. 21-A MRSA §1014, sub-§5-C** is enacted to read:

11 **5-C. Use of synthetic media.** Whenever a public communication that requires a
12 disclosure under subsections 1, 2, 2-A or 2-B contains synthetic media, the public
13 communication must include, in addition to any other required disclosure, the words "THIS
14 COMMUNICATION CONTAINS AUDIO, VIDEO AND/OR IMAGES THAT HAVE
15 BEEN MANIPULATED OR ALTERED." The commission shall adopt rules regarding the
16 manner, size and placement of the disclosure required under this subsection. Rules adopted
17 pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375,
18 subchapter 2-A.

19 A. For purposes of this subsection, "synthetic media" means an image, an audio
20 recording or a video recording depicting a candidate's appearance, speech or conduct
21 that:

22 (1) In a manner that is likely to deceive a reasonable person, depicts the candidate
23 saying or doing something that the candidate did not say or do; or

24 (2) Has been manipulated or altered in a manner that is likely to provide a
25 reasonable person with a materially different understanding or impression of the
26 candidate's appearance, action or speech than a reasonable person would have from
27 an unaltered, original version of the image, audio recording or video recording.

28 B. For purposes of this subsection, "synthetic media" does not include:

29 (1) An image, an audio recording or a video recording depicting a candidate's
30 appearance, speech or conduct that has been modified to improve audio, video or
31 image clarity, to add captions or to highlight a specific section of the image, audio
32 recording or video recording as long as the modification does not create a
33 materially different understanding or impression of the candidate's appearance,
34 action or speech than a reasonable person would have from an unaltered, original
35 version of the image, audio recording or video recording; or

36 (2) Satire or parody.

37 C. A person operating a broadcast, cable or satellite system within the State that
38 broadcasts a public communication does not violate this subsection and a newspaper
39 that publishes a public communication does not violate this subsection unless the
40 broadcaster broadcasts or newspaper publishes a paid public communication with
41 actual knowledge that the public communication contains synthetic media. The
42 broadcaster's or newspaper's receipt of an allegation made by a 3rd party that a public
43 communication contains synthetic media does not, by itself, constitute actual
44 knowledge by the broadcaster or newspaper that the public communication contains

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1 synthetic media. For purposes of this paragraph, "newspaper" has the same meaning
2 as in subsection 3-B.

3 D. The commission shall notify the Office of the Attorney General if a person who is
4 in violation of this subsection does not cease violating this subsection after being
5 notified of the violation by the commission or if the commission is unable for any
6 reason to notify a person that the person is in violation of this subsection. The Attorney
7 General may bring a civil action in the Superior Court of Kennebec County for
8 injunctive or other appropriate equitable relief requiring the person to comply with this
9 subsection. An action under this paragraph may be combined with an action under
10 section 1004-B for the purposes of the enforcement of penalties assessed by the
11 commission. If the Attorney General prevails in an action under this paragraph, the
12 court may award to the Attorney General the costs of the action together with
13 reasonable attorney's fees as determined by the court.

14 E. This subsection may not be construed to prohibit or limit any other cause of action
15 that a person may have against a person who violates this subsection.'

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

18 **SUMMARY**

19 This amendment, which is the majority report of the committee, replaces the bill, which
20 is a concept draft, and changes the title.

21 The amendment requires certain political public communications that contain synthetic
22 media to be accompanied by a disclosure revealing that the communication contains audio,
23 video or images that have been manipulated or altered. It defines "synthetic media" as an
24 image, an audio recording or a video recording depicting a candidate's appearance, speech
25 or conduct that either depicts the candidate saying or doing something the candidate did
26 not do or say in a manner that is likely to deceive a reasonable person or that has been
27 manipulated or altered in a manner likely to provide a reasonable person with a materially
28 different understanding or impression of the candidate's appearance, action or speech than
29 a reasonable person would have from an unaltered, original version of the communication.
30 Public communications that are satire or parody or that contain only minor modifications
31 are not subject to the disclosure requirement. The amendment clarifies that broadcasters
32 and newspapers may not be found in violation of the disclosure requirement unless they
33 broadcast or publish a paid public communication with actual knowledge that it contains
34 synthetic media.

35 The amendment also clarifies that violations of the disclosure requirement are subject
36 to investigation by the Commission on Governmental Ethics and Election Practices, which
37 may impose a civil penalty of up to 500% of the amount of the expenditure made for the
38 public communication. The Attorney General may also bring a civil action for injunctive
39 or other appropriate equitable relief requiring compliance with the requirements of this
40 legislation.

41 **FISCAL NOTE REQUIRED**

42 (See attached)



Approved: 02/02/26 **LRL**

132nd MAINE LEGISLATURE

LD 517

LR 1130(02)

An Act to Protect the First Amendment Rights of Individuals in the State

Fiscal Note for Bill as Amended by Committee Amendment 'A' (H-387)

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

This bill may increase the number of civil suits filed in the court system. The additional workload associated with minimal number of new cases filed in the court system does not require additional funding at this time. The collection of additional filing fees will increase General Fund revenue by minor amounts.