



October 7, 2009

Judiciary Committee
c/o OPLA
13 State House Station
Augusta, Maine 04333

RE: Public Law 2009, chapter 230 (LD 1183), *An Act to Prevent Predatory Marketing Practices against Minors*

LD 1183 may be well-intended legislation, but it is an over-reaching law that will hurt those of us already operating in compliance with the *Children's Online Privacy Protection Act (COPPA) of 1998*. The Maine law would prevent WCSH 6 and WLBZ 2 from exercising their rights to freedom of speech as guaranteed in the First Amendment. The Act to Prevent Predatory Marketing Practices against Minors also has the potential of unintended consequences for those it intends to protect.

Both WCSH6.com and WLBZ2.com have been operating within COPPA parameters since April 21, 2000, when the Federal Trade Commission rule went into effect. The Terms of Service and Privacy Policy on WCSH6.com and WLBZ2.com were updated to show compliance. The Children's Privacy Statement posted on our sites explains our practices as they relate to the online collection and use of personal information from children under age 13 and also provides information about their rights. It reads as follows:

- This Site is not directed to children under the age of 13 and we do NOT knowingly collect personally identifiable information from children under the age of 13 as part of the Site. We screen users who wish to provide personal information in order to prevent users under the age of 13 from providing such information. If we become aware that we have inadvertently received personally identifiable information from a user under the age of 13 as part of the Site, we will delete such information from our records.
- Because we do not collect any personally identifiable information from children under the age of 13 via the Site, we also do NOT knowingly distribute such information to third parties.
- We do NOT knowingly allow children under the age of 13 to publicly post or otherwise distribute personally identifiable contact information through the Site.
- Because we do not collect any personally identifiable information from children under the age of 13 via the Site, we do NOT condition the participation of a child under 13 in the Site's online activities on providing personally identifiable information.

Application of our privacy policy allows has allowed users between the ages of 13 and 18 to sign up to receive Text Alerts, which offer the option of getting immediate information about severe weather, breaking news, STORM CENTER school closings, and Amber Alerts. The critical information relayed in our Text Alerts can also keep school-age users safe. NEWS CENTER Text Alerts meet COPPA requirements, but since a name is required, they would violate Maine law as written in LD 1183.

On air and online we actively look for users between 13 and 18 to participate in our 5th Quarter sports content, as powered by HighSchoolSports.net. By providing the required email address, password and gender, students have access to state high school game schedules, scores, video, and stories. Given the importance of sports in the Maine high school experience, a law blocking admission to the age group this feature is designed to serve seems ludicrous.

All visitors are asked to register by providing zip code, age and gender (ZAG) when prompted on the third click of the second visit to our sites within a 30-day period; users under age13 cannot register. We are cognizant of the fact that some of our content is too important to require registration, and this screen does not appear in breaking news or weather. The ZAG registration gives us the ability to target content to specific user demographics, though we do not know the names of those who register and are unable to contact them directly. Our First Amendment rights to free speech protect the collection and use of the information provided by ZAG registration.

Adhering to COPPA rules has allowed WCSH 6 and WLBZ 2 to provide a maximum amount of content in a responsible fashion. The examples of content and information-gathering provided here are good illustrations of how our limited data collection practices provide broad access to interesting, useful and even critical information for all users, including those between 13 and 18. The federal government has created rules that adequately and appropriately protect minors; LD 1183 is not necessary.

Sincerely,



Steve Thaxton
WCSH 6
President and General Manager



Judy Horan
WLBZ 2
President and General Manager

CC: Senate President Elizabeth Mitchell and Speaker of the House Hannah Pingree