



121 Free Street, Portland, ME 04101

I am writing on behalf of Diversified Business Communications to comment on Public Law 2009, chapter 230 (LD 1183), *An Act to Prevent Predatory Marketing Practices against Minors*.

Diversified Business Communication is a Maine-based media business and a division of Diversified Communications (which owns WABI-TV in Bangor). We publish four magazines, including *National Fisherman*, and produce over 100 events world-wide. Diversified was founded by former Maine Governor Horace Hildreth in 1949 and are still owned by the Hildreth family. Diversified currently employees over 190 Maine residents. We rent real estate in down town Portland and WABI owns real estate in Bangor.

We find the language of this law unconstitutional. While we are strongly against any predatory marketing tactics and appreciate any law that protects individuals from fraud, we are very concerned about the unintended consequences and business impacts of this specific law.

Our shareholders have deep roots in Maine and are committed to continued growth of its employment base here. Compliance with laws like this place unreasonable financial impact on our business and would have an adverse impact on our business and employment strategy.

As a company focused on business-to-business media, our systems are built for this market. Our website "terms of use" state that visitors must be over the age of 13. We have a group of customers under 18 who engage with our products because they work in the commercial fishing industry. These are generally high school boys and girls who are actively working in the fisheries. This law would prevent us from offering them our free eNewsletter Fishenews (which carries ads about boat equipment) or subscriptions to *National Fisherman*.

We do not have mechanisms in place to confirm the age of our users nor do we have mechanisms to collect verifiable parental consent. If the cost of implementing these solutions on all our systems is significant, an alternative approach for us to comply with the law is to suspend any marketing to people in the state of Maine. We would no longer invite chefs to attend the annual New England Food Show held in Boston, we would no longer offer Maine residents subscriptions to *National Fisherman*, we would no longer offer seafood retailers the opportunity to source seafood at the annual International Boston Seafood Show or the opportunity for tug boat captains to attend the annual industry event, the International WorkBoat Show or receive a complimentary subscription to *WorkBoat*. Losing access to the Maine community will reduce our revenue. There is a sad irony that the consequence of this law would be that a Maine-based company committed to the state would no longer be marketing to Maine people or businesses.

We ask that the judiciary committee revise the wording of this law to focus on what we believe was its original intent, to protect the dissemination of health information of minors without parental consent.

Vicki Hennin, VP Strategic Marketing, 207-842-5662