

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST SPECIAL SESSION-1997

Legislative Document

No. 1723

S.P. 566

In Senate, April 1, 1997

**An Act to Require Full Disclosure of Purpose of Data Collected through
the Use of Promotional Products.**

Reference to the Committee on Business and Economic Development suggested and
ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator KILKELLY of Lincoln.
Cosponsored by Representative TOWNSEND of Portland and
Representatives: PINKHAM of Brunswick, SKOGLUND of St. George.

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

4 **Sec. 1. 10 MRSA c. 227** is enacted to read:

6 **CHAPTER 227**

8 **CONSUMER SPENDING**

10 **§1500. Consumer spending habits information**

12 **1. Authorization.** A person, organization, business,
14 corporation, association or other entity may not collect, sell,
16 share or use internally data or information about consumer
 spending habits to solicit business unless the consumer provides
 authorization for the use of the information.

18 **2. Consumer cards.** A person, organization, business,
20 corporation, association or other entity that distributes cards
22 used to collect information electronically may not activate the
 cards without first explaining to the consumer by means of a
 telephone call or letter how the consumer spending data collected
 will be used.

24 **3. Reports.** Use of the consumer spending data collected as
26 provided in subsections 1 and 2 must be reported to the
 cardholders as follows.

28 **A.** Any significant change in the use of the data must be
30 communicated in writing to every cardholder.

32 **B.** A written annual report relating how the consumer
34 spending habits data has been used must be sent to every
 cardholder.

36 **SUMMARY**

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40 This bill prohibits a person, organization, business,
42 corporation, association or other entity from collecting,
44 selling, sharing or using internally data or information about
46 consumer spending habits to solicit business unless the consumer
48 provides authorization for the use of the information. A card
 used to collect consumer spending habits information
 electronically may not be activated absent an explanation to the
 consumer about how the information collected will be used. The
 bill also requires that any significant change in the use of the
 information be communicated in writing to every cardholder and

2 that a written annual report of the use of the consumer spending habits data be sent to every cardholder.