

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 299

S.P. 79

In Senate, January 25, 2001

**An Act to Implement the Recommendations of the Blue Ribbon
Commission to Establish a Comprehensive Internet Policy.**

Reported by Senator DOUGLASS of Androscoggin for the Blue Ribbon Commission to Establish a Comprehensive Internet Policy, pursuant to Public Law 1999, chapter 762, section 7.

Reference to the Committee on Business and Economic Development suggested and ordered printed pursuant to Joint Rule 218.

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

JOY J. O'BRIEN
Secretary of the Senate

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

4 **PART A**

6 **Sec. A-1. 1 MRSA c. 14-A** is enacted to read:

8 **CHAPTER 14-A**

10 **NOTICE OF INFORMATION PRACTICES**

12 **§541. Definitions**

14 As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

16 1. **Personal information.** "Personal information" means information about a natural person that readily identifies that
18 specific person.

20 2. **Public entity.** "Public entity" means:

22 A. The Legislature;

24 B. The Judicial Department;

26 C. A state agency or authority;

28 D. The University of Maine System, the Maine Maritime Academy and the Maine Technical College System;

30 E. A county, municipality, school district or any regional
32 or other political or administrative subdivision; and

34 F. An advisory organization established, authorized or
36 organized by law or resolve or by executive order issued by the Governor.

38 **§542. Notice of information practices**

40 Each public entity that has a publicly accessible site on
42 the Internet associated with it shall develop a policy regarding
44 its practices relating to personal information and shall post
notice of those practices on its publicly accessible site on the
Internet. The policy must include:

46 1. **Information collected.** A description of the personal
48 information collected on the publicly accessible site on the
Internet;

2 2. Use and disclosure of information. A summary of how the
personal information is used by the public entity and the
circumstances under which it may be disclosed to others;
4

6 3. Choice. The extent to which the user has a choice of
whether to provide personal information via the publicly
accessible site on the Internet and the consequences of refusing
to give that information;
8

10 4. Procedures for access and correction. The procedures,
if any, by which the user may request access to that user's
personal information and request correction of that information;
and
12
14

16 5. Security. The steps taken to protect personal
information from misuse or unauthorized access.

18 PART B

20 **Sec. B-1. Commission established.** The Blue Ribbon Commission
to Review Internet and Information Policy, referred to in this
Part as the "commission," is established.
22

24 **Sec. B-2. Commission membership.** The commission consists of
12 voting members and 7 nonvoting members.
26

28 1. The 12 voting members are appointed as follows:

30 A. Three Senators, one from the Joint Standing Committee on
Business and Economic Development, appointed by the
President of the Senate;
32

34 B. Two House members, one from the Joint Standing Committee
on Business and Economic Development, appointed by the
Speaker of the House of Representatives;
36

38 C. One representative of the Internet service provider
industry, appointed by the President of the Senate;

40 D. One representative of a Maine-based company providing
commercial services over the Internet, appointed by the
Speaker of the House of Representatives;
42

44 E. One representative of the Maine Software Developers
Association, appointed by the Speaker of the House of
Representatives;
46

48 F. One representative of the telecommunications industry,
appointed by the President of the Senate;
50

- 2 G. One representative of the cable television industry,
appointed by the Speaker of the House of Representatives;
- 4 H. One representative of the Maine Bar Association,
appointed by the President of the Senate; and
- 6
- 8 I. One representative of the Maine Civil Liberties Union,
appointed by the Speaker of the House of Representatives.
- 10 2. The 7 nonvoting members are as follows:
- 12 A. One representative of the University of Maine System,
appointed by the Chancellor of the University of Maine
14 System;
- 16 B. The Commissioner of Economic and Community Development
or the commissioner's designee;
- 18
- 20 C. The Chief Information Officer, Department of
Administrative and Financial Services, or the chief
22 information officer's designee;
- 24 D. The Secretary of State or the secretary's designee;
- 26 E. The State Librarian or the State Librarian's designee;
- 28 F. One representative of the Public Utilities Commission,
appointed by the Governor; and
- 30 G. One representative of the Office of the Public Advocate,
appointed by the Governor.
- 32

34 **Sec. B-3. Chairs.** The first named Senate member is the Senate
chair. The first named House member is the House chair.

36 **Sec. B-4. Appointments; convening meetings.** All appointments
38 must be made no later than 30 days following the effective date
of this Part. The appointing authorities shall notify the
40 Executive Director of the Legislative Council upon making their
appointments. When the appointment of all members is complete,
42 the chairs shall call and convene the first meeting of the
commission.

44 **Sec. B-5. Duties.** The commission shall study issues relating
to the Internet and information policy, including the following:

46

- 48 1. Internet users' concerns about privacy of information
collected on the Internet by commercial and governmental publicly
accessible sites on the Internet;

2 2. Development of comprehensive information practices
governing collection and management of personal information by
4 state and local governmental entities;

6 3. Coordination of the State's Internet policy-making
structures;

8 4. The possibility of using the Internet to assist in the
10 election process; and

12 5. Other issues described in the charge to the Blue Ribbon
Commission to Establish a Comprehensive Internet Policy, created
14 by Resolve 1999, chapter 89 and amended by Public Law 1999,
chapter 762.

16 **Sec. B-6. Staff assistance.** Upon approval of the Legislative
18 Council, the Office of Policy and Legal Analysis shall provide
necessary staffing services to the commission.

20 **Sec. B-7. Compensation.** Legislators who are members of the
22 commission are entitled to receive legislative per diem, as
defined in the Maine Revised Statutes, Title 3, section 2 and
24 reimbursement for travel and other necessary expenses for
attendance at meetings of the commission.

26 **Sec. B-8. Report.** The commission shall submit a report of its
28 findings and recommendations, including any recommended
legislation, to the Second Regular Session of the 120th
30 Legislature by December 1, 2001. If the commission requires an
extension of time to make its report, it may apply to the
32 Legislative Council, which may grant the extension.

34 **SUMMARY**

36 Part A of this bill requires state and local entities that
38 have publicly accessible site on the Internet to develop policies
regarding personal information practices and to post notice of
40 those policies on their publicly accessible site on the Internet.

42 Part B creates a commission to study Internet and
information policy issues, including privacy, use of the Internet
44 in the election process such as use for registration or voting,
development of comprehensive information practices and other
46 issues.