

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 872

H.P. 672

House of Representatives, February 15, 2001

Resolve, to Create the Commission to Study Privacy Laws.

(EMERGENCY)

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative SAVAGE of Buxton.
Cosponsored by Senator MARTIN of Aroostook and
Representatives: BERRY of Livermore, DUPLESSIE of Westbrook, NORBERT of Portland,
PEAVEY of Woolwich, PERKINS of Penobscot, SIMPSON of Auburn, SMITH of Van
Buren, Senator: FERGUSON of Oxford.

2 **Emergency preamble. Whereas,** Acts and resolves of the
Legislature do not become effective until 90 days after
adjournment unless enacted as emergencies; and

4
6 **Whereas,** the Commission to Study Privacy Laws must be
initiated before the 90-day period expires to allow the
commission to initiate a comprehensive study of privacy laws and
8 to submit a report to the next legislative session; and

10 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
12 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
14 safety; now, therefore, be it

16 **Sec. 1. Commission established. Resolved:** That the Commission
to Study Privacy Laws, referred to in this resolve as the
18 "commission," is established; and be it further

20 **Sec. 2. Commission membership. Resolved:** That the commission
consists of the following 10 members:

22
24 1. Five members of the Legislature, appointed jointly by
the presiding President of the Senate and the Speaker of the
House. When making the appointments the presiding President of
26 the Senate and the Speaker of the House shall give preference to
members of the Joint Standing Committee on Judiciary, the Joint
28 Standing Committee on Criminal Justice, the Joint Standing
Committee on Health and Human Services, the Joint Standing
30 Committee on Banking and Insurance and the Joint Standing
Committee on Education and Cultural Affairs;

32
34 2. The Director of the Maine Civil Liberties Union or the
director's designee;

36 3. One member representing the banking and insurance
industry, appointed by the Governor;

38
40 4. One member representing health care, appointed by the
Governor;

42 5. One member representing criminal defense attorneys,
appointed by the Maine Association of Criminal Defense Lawyers;
44 and

46 6. One member representing state employees, appointed by
the Maine State Employees Association; and be it further
48

2 **Sec. 3. Chair. Resolved:** That the commission shall elect a
chair from among its members at the first commission meeting; and
be it further

4
6 **Sec. 4. Appointments; meetings. Resolved:** That all
appointments must be made no later than 30 days following the
effective date of this resolve. The appointing authorities shall
8 notify the Executive Director of the Legislative Council upon
making their appointments. When the appointment of all members
10 is complete, the Chair of the Legislative Council shall call and
convene the first meeting of the commission no later than 30 days
12 after all appointments have been made; and be it further

14 **Sec. 5. Duties. Resolved:** That the commission shall review the
State's current privacy laws and conduct a comprehensive study on
16 privacy laws nationwide, including the laws and policies of the
Federal Government. Additionally, the commission shall consult
18 with the InforME Board to examine the policy and practices
relating to internet privacy that the board has incorporated in
20 its work; and be it further

22 **Sec. 6. Staff assistance. Resolved:** That the commission may
request staffing and clerical assistance from the Legislative
24 Council; and be it further

26 **Sec. 7. Reimbursement. Resolved:** That the commission members
are entitled to receive the legislative per diem, as defined by
28 the Maine Revised Statutes, Title 3, section 2, and reimbursement
of necessary expenses for their attendance at authorized meetings
30 of the commission. The Executive Director of the Legislative
Council shall administer the commission's budget; and be it
32 further

34 **Sec. 8. Report. Resolved:** That the commission shall submit
its report, together with any necessary implementing legislation,
36 to the Second Regular Session of the 120th Legislature no later
than November 2, 2001. If the commission requires a limited
38 extension of time to conclude its work, it may apply to the
Legislative Council, which may grant the extension; and be it
40 further

42 **Sec. 9. Commission budget.** The chair of the commission, with
assistance from the commission staff, shall administer the
44 commission's budget. Within 10 days after its first meeting, the
commission shall present a work plan and proposed budget to the
46 Legislative Council for its approval. The commission may not
incur expenses that would result in the committee's exceeding its
48 approved budget. Upon request from the commission, the Executive
Director of the Legislative Council or the executive director's
50 designee shall provide the commission chair and staff with a

2 status report on the commission's budget, expenditures incurred
and paid and available funds.

4 **Emergency clause.** In view of the emergency cited in the
preamble, this resolve takes effect when approved.

6

8

SUMMARY

10 This resolve establishes the Commission to Study Privacy
12 Laws. The commission shall review privacy laws nationwide and
consult with the InforME Board regarding current policy and
practices involving internet use.