

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. 1681

H.P. 1234

House of Representatives, March 15, 2001

An Act Relating to Personal Privacy and Governmental Information Practices.

Reported by Representative LaVERDIERE for the Joint Standing Committee on Judiciary pursuant to Joint Order H.P. 1154.

Reference to the Joint Standing Committee on Judiciary suggested and printing ordered under Joint Rule 218.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

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

4 **PART A**

6 **Sec. A-1. 3 MRSA §956, sub-§2, ¶K,** as amended by PL 1999, c. 661, §1, is further amended to read:

8 K. Any other information specifically requested by the committee of jurisdiction; and

10 **Sec. A-2. 3 MRSA §956, sub-§2, ¶L,** as enacted by PL 1999, c. 12 661, §2, is amended to read:

14 L. A comparison of any related federal laws and regulations to the state laws governing the agency or program and the rules implemented by the agency or program; and

18 **Sec. A-3. 3 MRSA §956, sub-§2, ¶M** is enacted to read:

20 M. Agency policies for collecting, managing and using
22 personal information over the Internet and
24 nonelectronically, information on the agency's
26 implementation of information technologies and an evaluation
of the agency's adherence to the fair information practice
principles of notice, choice, access, integrity and
enforcement.

28 **PART B**

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

32 **CHAPTER 14-A**

34 **NOTICE OF INFORMATION PRACTICES**

36 **§541. Definitions**

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

42 1. Personal information. "Personal information" means
44 information about a natural person that readily identifies that
specific person.

46 2. Public entity. "Public entity" means:

48 A. The Legislature;

B. The Judicial Department;

2 C. A state agency or authority;

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

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

12 F. An advisory organization established, authorized or
14 organized by law or resolve or by executive order issued by
16 the Governor.

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

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

22 1. Information collected. A description of the personal
24 information collected on the publicly accessible site on the
26 Internet;

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

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

34 4. Procedures for access and correction. The procedures,
36 if any, by which the user may request access to that user's
38 personal information and request correction of that information;
40 and

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

42 **PART C**

44 **Sec. C-1. Commission established.** The Blue Ribbon Commission
46 to Review Governmental Information Policy, referred to in this
48 Part as the "commission," is established.

50 **Sec. C-2. Commission membership.** The commission consists of
11 voting members appointed as follows:

- 2 1. Two Senators, one from the Joint Standing Committee on
Judiciary and one from the Joint Standing Committee on State and
4 Local Government, appointed by the President of the Senate;
- 6 2. Four House of Representatives members, one from the Joint
Standing Committee on Judiciary and one from the Joint Standing
8 Committee on State and Local Government, appointed by the Speaker
of the House of Representatives;
- 10 3. One representative of the news media, appointed by the
12 Speaker of the House of Representatives;
- 14 4. One representative of the Maine Bar Association,
appointed by the President of the Senate;
- 16 5. One representative of the Maine Civil Liberties Union,
18 appointed by the Speaker of the House of Representatives; and
- 20 6. Two representatives of the executive branch with
22 expertise and experience in collection and protection of personal
information.

24 **Sec. C-3. Chairs.** The first named Senate member is the Senate
chair. The first named House of Representatives member is the
26 House chair.

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

36 **Sec. C-5. Duties.** The commission shall study issues relating
to governmental and information policy, including the following:

- 38 1. Concerns about privacy of personal information collected
40 by governmental entities, including collection on publicly
accessible sites on the Internet;
- 42 2. Development of a comprehensive information practices law
44 governing collection and management of personal information by
state and local governmental entities; and
- 46 3. Other related issues.

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

