

# MAINE STATE LEGISLATURE

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L.D. 1638

DATE: 5/25/5

(Filing No. H-516)

INSURANCE AND FINANCIAL SERVICES

Minority

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
122ND LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1156, L.D. 1638, Bill, "An Act Concerning the Regulation of Certain Information to Protect Privacy"

Amend the bill after the enacting clause (page 1, line 3 in L.D.) by striking out the following: "PART A"

Further amend the bill in Part A by striking out all of sections 9, 10, 11 and 12.

Further amend the bill in Part A by inserting after section 18 the following:

'Sec. A-19. 32 MRSA §16411, sub-§9, as enacted by PL 2005, c. 65, Pt. A, §1, is amended to read:

9. Privacy provisions. A broker-dealer licensed or required to be licensed under this chapter and an investment adviser licensed or required to be licensed under this chapter shall comply with the privacy provisions of the federal Gramm-Leach-Bliley Act, 15 United States Code, Section 6801 et seq. (1999) and the implementing Regulation S-P, federal Privacy of Consumer Financial Information, 17 Code of Federal Regulations, Part 248 (2001) adopted by the Securities and Exchange Commission. This subsection is not intended to permit the release of health care information except as permitted by Title 22, section 1711-C or Title 24-A, chapter 24.

A broker-dealer licensed or required to be licensed under this chapter and an investment adviser licensed or required to be licensed under this chapter may not disclose, directly or through an affiliate, to a nonaffiliated 3rd party any nonpublic personal

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to H.P. 1156, L.D. 1638

2 information unless the person to whom the information pertains  
3 has affirmatively consented to the disclosure in writing and has  
4 not withdrawn that consent. This subsection does not prohibit  
5 the disclosure of nonpublic personal information by a person  
6 subject to this chapter to a nonaffiliated 3rd party to the  
7 extent such a disclosure is permitted by the federal  
8 Gramm-Leach-Bliley Act, 15 United States Code, Section 6802,  
9 subsection b, paragraph 2 and subsection e. As used in this  
10 section, unless the context otherwise indicates, the terms  
11 "affiliate," "nonaffiliated 3rd party" and "nonpublic personal  
12 information" have the same meanings as in the federal  
13 Gramm-Leach-Bliley Act, 15 United States Code, Section 6801 et  
14 seq. (1999).'

15 Further amend the bill in Part A by inserting after section  
16 19 the following:

17 **'Sec. A-20. Effective date.** That section of this Act that  
18 amends the Maine Revised Statutes, Title 32, section 16411,  
19 subsection 9 takes effect December 31, 2005.'

20 Further amend the bill by striking out all of Part B.

21 Further amend the bill by relettering or renumbering any  
22 nonconsecutive Part letter or section number to read  
23 consecutively.

24  
25  
26  
27  
28 **SUMMARY**

29 This amendment is the minority report of the committee. The  
30 amendment removes a provision of the bill that eliminates certain  
31 opt-in requirements for disclosures under the Insurance  
32 Information and Privacy Protection Act. The amendment adds a  
33 provision to account for the enactment of the Maine Uniform  
34 Securities Act effective December 31, 2005. The amendment also  
35 removes the provision of the bill that required approval of  
36 voters at a statewide referendum before the Act could take effect.  
37  
38

39  
40 **FISCAL NOTE REQUIRED**  
41 **(See attached)**  
42



# 122nd MAINE LEGISLATURE

LD 1638

LR 2052(02)

## An Act Concerning the Regulation of Certain Information to Protect Privacy

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Insurance and Financial Services

Fiscal Note Required: Yes

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### Fiscal Note

Minor cost increase - General Fund

Minor revenue increase - General Fund

### Correctional and Judicial Impact Statements

This bill may increase the number of civil suits filed in the court system.

The collection of additional filing fees may increase General Fund revenue by minor amounts.