

MAINE STATE LEGISLATURE

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1
Date: 3/30/06
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L.D. 2017
(Filing No. H-925)

3 Insurance and Financial Services

Majority

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5 STATE OF MAINE
6 HOUSE OF REPRESENTATIVES
7 122ND LEGISLATURE
8 SECOND REGULAR SESSION

9 COMMITTEE AMENDMENT "A" to H.P. 1417, L.D. 2017, Bill, "An Act To
10 Amend the Notice of Risk to Personal Data Act"

11 Amend the bill by striking out all of section 1.

12 Further amend the bill in section 4 by striking out all of subsection 5 (page 1, lines 35
13 to 41 in L.D.) and inserting in its place the following:

14 '5. **Person.** "Person" means an individual, partnership, corporation, limited liability
15 company, trust, estate, cooperative, association or other entity, including agencies of State
16 Government, the University of Maine System, the Maine Community College System,
17 Maine Maritime Academy and private colleges and universities. "Person" as used in this
18 chapter may not be construed to require duplicative notice by more than one individual,
19 corporation, trust, estate, cooperative, association or other entity involved in the same
20 transaction.'

21 Further amend the bill by inserting after section 4 the following:

22 'Sec. 5. 10 MRSA §1347, sub-§6, as enacted by PL 2005, c. 379, §1 and affected
23 by §4, is amended to read:

24 **6. Personal information.** "Personal information" means an individual's first name,
25 or first initial, and last name in combination with any one or more of the following data
26 elements, when either the name or the data elements are not encrypted or redacted:

- 27 A. Social security number;
- 28 B. Driver's license number or state identification card number;
- 29 C. Account number, credit card number or debit card number, if circumstances
30 exist wherein such a number could be used without additional identifying
31 information, access codes or passwords;
- 32 D. Account passwords or personal identification numbers or other access codes; or
- 33 E. Any of the data elements contained in paragraphs A to D when not in connection
34 with the individual's first name, or first initial, and last name, if the information if

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT 'A' to H.P. 1417, L.D. 2017

1 compromised would be sufficient to permit a person to fraudulently assume or
2 attempt to assume the identity of the person whose information was compromised.

3 "Personal information" does not include information from 3rd-party claims databases
4 maintained by property and casualty insurers or publicly available information that is
5 lawfully made available to the general public from federal, state or local government
6 records or widely distributed media.'

7 Further amend the bill in section 8 by striking out all of subsection 4 (page 2, lines 41
8 and 42 and page 3, lines 1 to 3 in L.D.) and inserting in its place the following:

9 '**4. Notification to consumer reporting agencies.** ~~If an information broker a~~
10 person discovers a breach of the security of the system that requires notification to more
11 than 1,000 persons at a single time, the ~~information broker~~ person shall also notify,
12 without unreasonable delay, consumer reporting agencies that compile and maintain files
13 on consumers on a nationwide basis, as defined in 15 United States Code, Section
14 1681a(p). Notification must include the date of the breach, an estimate of the number of
15 persons affected by the breach, if known, and the actual or anticipated date that persons
16 were or will be notified of the breach.'

17 Further amend the bill in section 11 in subsection 2 in paragraph A in the 2nd line
18 (page 3, line 22 in L.D.) by inserting after the following: "chapter" the following: '
19 except that this paragraph does not apply to State Government, the University of Maine
20 System, the Maine Community College System or Maine Maritime Academy'

21 Further amend the bill by inserting after section 11 the following:

22 '**Sec. 12. 10 MRSA §1349, sub-§4** is enacted to read:

23 '**4. Exceptions.** A person that complies with the security breach notification
24 requirements of rules, regulations, procedures or guidelines established pursuant to
25 federal law or the law of this State is deemed to be in compliance with the requirements
26 of this chapter as long as the law, rules, regulations or guidelines provide for notification
27 procedures at least as protective as the notification requirements of this chapter.'

28 Further amend the bill by striking out all of section 12.

29 Further amend the bill by striking out all of section 13 and inserting in its place the
30 following:

31 '**Sec. 13. 10 MRSA §1350-A** is enacted to read:

32 '**§1350-A. Rules; education and compliance**

33 The following provisions govern rules and education and compliance.

34 '**1. Rules.** With respect to persons under the jurisdiction of the regulatory agencies of
35 the Department of Professional and Financial Regulation, the appropriate state regulators
36 within that department may adopt rules as necessary for the administration and
37 implementation of this chapter. With respect to all other persons, the Attorney General
38 may adopt rules as necessary for the administration and implementation of this chapter.
39 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,
40 chapter 375, subchapter 2-A.



Approved: 03/27/06 *MAC*

122nd MAINE LEGISLATURE

LD 2017

LR 3151(02)

An Act To Amend the Notice of Risk to Personal Data Act

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

Committee: Insurance and Financial Services

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Office of the Attorney General, the Department of Professional and Financial Regulation, the University of Maine System, the Maine Community College System, Maine Maritime Academy and the Office of Information Technology within the Department of Administrative and Financial Services can be absorbed utilizing existing budgeted resources.