

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2008

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Legislative Document

No. 2093

H.P. 1479

House of Representatives, December 27, 2007

### An Act To Help Prevent Identity Theft

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Judiciary suggested and ordered printed.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND

Clerk

Presented by Representative TARDY of Newport.  
Cosponsored by President EDMONDS of Cumberland and  
Representative: RICHARDSON of Warren.

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

2 **Sec. 1. 33 MRSA §651-B** is enacted to read:

3 **§651-B. Privacy protection**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
5 following terms have the following meanings.

6 **A. "Personally identifiable information" means one or more of the following specific**  
7 **unique identifiers when combined with an individual's name:**

8 **(1) Social security number;**

9 **(2) Driver's license number or state identification card number;**

10 **(3) Financial institution account number and credit, debit or charge card number;**  
11 **and**

12 **(4) Date of birth.**

13 **B. "Preparer" means the person or entity that creates, drafts, edits, revises or last**  
14 **changes the documents that are recorded with the register of deeds.**

15 **2. Inclusion of personally identifiable information.** Notwithstanding any  
16 provision of law to the contrary, the preparer of a document may not include an  
17 individual's personally identifiable information in a document that is prepared and  
18 presented for recording in the registry office. This subsection does not apply to  
19 documents that were executed by an individual prior to the effective date of this  
20 subsection.

21 **3. Redaction on registry's website.** If a document that includes an individual's  
22 personally identifiable information was recorded with the register of deeds prior to the  
23 effective date of this subsection and is available on the registry's publicly accessible  
24 website, the individual may request that the register of deeds redact that personally  
25 identifiable information from the website record. The register shall establish a procedure  
26 by which individuals make such requests at no fee to the requesting individual. The  
27 register shall comply with an individual's request to redact personally identifiable  
28 information.

29 **4. Liability of preparer.** A preparer who violates subsection 2 is liable to the  
30 individual whose personally identifiable information appears in the recorded public  
31 document for damages of up to \$500 for each act of recording.

32 **5. Liability of register of deeds.** The register of deeds is not liable for any claims  
33 arising from a violation of this section.

34 **6. Application.** This section does not apply to federal tax liens or other documents  
35 required by federal law to contain personally identifiable information that are filed or  
36 recorded in the registry office.

1

## **SUMMARY**

2       This bill prohibits the preparer of documents from including an individual's  
3 personally identifiable information in a document recorded in the registry of deeds.