

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 366

S.P. 130

In Senate, February 5, 2009

An Act To Protect Confidential Consumer Records in Self-service Storage Facilities

Reference to the Committee on Business, Research and Economic Development suggested
and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BOWMAN of York.
Cosponsored by Representative WEAVER of York and
Representative: WHEELER of Kittery.

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

2 Sec. 1. 10 MRSA §1372, sub-§1-A is enacted to read:

3 1-A. Bureau. "Bureau" means the Department of Professional and Financial
4 Regulation, Bureau of Consumer Credit Protection.

5 Sec. 2. 10 MRSA §1372, sub-§1-B is enacted to read:

6 1-B. Facility. "Facility" means a self-service storage facility.

7 Sec. 3. 10 MRSA §1372, sub-§6-A is enacted to read:

8 6-A. Personal record. "Personal record" means a document, piece of computer
9 hardware, computer disc or information storage device or any other medium on which
10 personal information is stored or able to be copied or read. "Personal record" does not
11 include a record of an owner or operator of a facility.

12 Sec. 4. 10 MRSA §1375, sub-§1, as enacted by PL 1989, c. 62, is amended to
13 read:

14 1. Sale; use of proceeds. If the occupant is in default for a period of more than 45
15 days, the operator may enforce a lien by selling the property, except a personal record,
16 stored in the leased space at a public or private sale for cash. Proceeds shall must then be
17 applied to satisfy the lien, with any surplus disbursed as provided in subsection 5.

18 Sec. 5. 10 MRSA §1377 is enacted to read:

19 §1377. Personal records

20 This section involves a facility's treatment of personal records.

21 1. Registration with bureau. A facility must register annually with the bureau.
22 The registration must be on a form provided by the bureau and include a copy of the
23 facility's personal records disposal policy as required by subsection 3. Notwithstanding
24 the provisions of section 1375, the registration and personal records disposal policy must
25 be approved by the bureau before the facility can dispose of property in any manner.

26 2. Registration form. The bureau shall provide a registration form for a facility
27 under subsection 1 to record all necessary information to identify the facility, its
28 ownership and physical location. The bureau shall provide guidelines sufficient for a
29 facility to adopt a personal records disposal policy under subsection 3. A registered
30 facility must inform the bureau if any registration information changes.

31 3. Personal records disposal policy. A facility must adopt a personal records
32 disposal policy for the treatment of a personal record located at the facility. Pursuant to
33 subsection 2, the policy must conform to bureau guidelines and be approved by the
34 bureau.

1 4. Release of records. A facility may not auction, sell, give, dispose of or otherwise
2 allow a personal record located at the facility to be released other than to the occupant of
3 the leased space who placed the record at the facility or pursuant to the facility's personal
4 records disposal policy that has been approved by the bureau. If there has been a security
5 breach or other unintentional release of a personal record located at the facility, the
6 facility must notify the bureau and otherwise follow the procedures pursuant to section
7 1348.

8 5. Fee. The bureau may charge a registration fee that is reasonable and necessary for
9 the administration of this section.

10 **Sec. 6. 10 MRSA §1378** is enacted to read:

11 **§1378. Administration; rules**

12 The provisions of Title 9-A, article 6 apply to the administration of this chapter. The
13 bureau may adopt rules to carry out the purposes of this section. Rules adopted pursuant
14 to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

15 **SUMMARY**

16 This bill requires self-service storage facilities to register with the Department of
17 Professional and Financial Regulation, Bureau of Consumer Credit Protection. As part of
18 this registration, self-service storage facilities must give identifying information and
19 submit a personal records disposal plan subject to the Bureau of Consumer Credit
20 Protection's approval. Self-service storage facilities may not dispose of property left by
21 an occupant in any manner that does not comply with their personal records disposal
22 plan. Self-service storage facilities are required to notify the bureau and follow the
23 security breach notification laws if there is a security breach or if personal records are
24 otherwise unintentionally released to the public. This bill gives the Bureau of Consumer
25 Credit Protection administrative authority over self-service storage facilities.