

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 1139

H.P. 783

House of Representatives, March 23, 2009

### **An Act To Require Internet Service Providers To Retain Records**

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Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative HASKELL of Portland.  
Cosponsored by Senator DIAMOND of Cumberland and  
Representatives: LAJOIE of Lewiston, SYKES of Harrison, WHEELER of Kittery, Senator:  
GERZOFKY of Cumberland.

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

2               **Sec. 1. 10 MRSA c. 224-A** is enacted to read:

3                                       **CHAPTER 224-A**

4                                       **RETENTION OF INTERNET SERVICE PROVIDER RECORDS**

5       **§1497-A. Record retention requirements for Internet service providers**

6               **1. Retention of records.** Internet service providers shall retain records for at least  
7               180 days, including the name and address of the subscriber or registered user to whom an  
8               Internet protocol address, user identification or telephone number was assigned, in order  
9               to permit compliance with court orders that may require production of such information.

10              **2. Penalties.** An Internet service provider who knowingly fails to retain any record  
11              as required under this section commits a civil violation for which a fine of not more than  
12              \$10,000 per violation may be adjudged. Failure to retain any record or records pertaining  
13              to a single subscriber or registered user constitutes a single violation.

14              **3. Rules.** The Attorney General shall adopt rules governing the retention of records  
15              by Internet service providers. Rules adopted under this subsection are routine technical  
16              rules pursuant to Title 5, chapter 375, subchapter 2-A.

17                                       **SUMMARY**

18              This bill requires that Internet service providers retain customer records for at least  
19              180 days and directs the Attorney General to adopt routine technical rules governing the  
20              retention of those records. Failure to comply with the retention requirements is a civil  
21              violation for which a fine of up to \$10,000 per violation may be adjudged.