

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2010

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Legislative Document

No. 1499

S.P. 577

In Senate, December 8, 2009

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

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

Received by the Secretary of the Senate on December 8, 2009. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 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 WHEELER of Kittery.

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

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

3 5-A. Personal information. "Personal information" means information about a  
4 person that readily identifies that person or is closely associated with that person.  
5 "Personal information" includes, but is not limited to, social security numbers, credit or  
6 debit card information, bank account numbers or passport information.

7 Sec. 2. 10 MRSA §1372, sub-§6-A is enacted to read:

8 6-A. Reasonable belief. "Reasonable belief" is the actual knowledge or belief a  
9 prudent person would have without making an investigation that a leased space contains  
10 personal information relating to clients, customers or others with whom the occupant  
11 does business.

12 Sec. 3. 10 MRSA §1375, sub-§1, as enacted by PL 1989, c. 62, is amended to  
13 read:

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

19 Sec. 4. 10 MRSA §1375, sub-§1-A is enacted to read:

20 1-A. Leased space containing personal information. When the operator has a  
21 reasonable belief that the leased space contains personal information relating to clients,  
22 customers or others with whom the occupant does business, the operator may not hold a  
23 lien sale of the personal information and may destroy the personal information without  
24 liability to any person.

25 Sec. 5. 10 MRSA §1375, sub-§1-B is enacted to read:

26 1-B. Operator may inspect contents of leased space. An operator may inspect the  
27 contents of a leased space to investigate the presence of personal information without  
28 liability to any person. Except when the occupant has stated in the rental agreement that  
29 the occupant will be storing paper or electronic data that contains personal information  
30 relating to clients, customers or others with whom the occupant does business, the  
31 operator has no obligation to inspect the contents of a leased space and has no liability for  
32 not undertaking such an inspection.

33 Sec. 6. 10 MRSA §1375, sub-§3, as enacted by PL 1989, c. 62, is amended to  
34 read:

35 3. Redemption of property. At any time before a sale under this section or before  
36 property is disposed of or destroyed under section 1373, subsection 3, paragraph C or

1 under subsection 1-A, whichever occurs first, the occupant may pay the amount necessary  
2 to satisfy the lien and redeem the occupant's personal property.

3 **Sec. 7. 10 MRSA §1375, sub-§7**, as enacted by PL 1989, c. 62, is amended to  
4 read:

5 **7. Purchasers.** A Except as provided in subsection 7-A, a purchaser in good faith of  
6 any personal property sold under this Act takes the property free and clear of any rights  
7 of:

- 8 A. Persons against whom the lien was valid; and
- 9 B. Other lienholders.

10 **Sec. 8. 10 MRSA §1375, sub-§7-A** is enacted to read:

11 7-A. Purchaser to sign contract. Before taking possession of any personal property  
12 sold under this Act, a purchaser must sign a contract provided by the operator that  
13 contains provisions including, but not limited to, an agreement by the purchaser to return  
14 to the operator any personal information relating to clients, customers or others with  
15 whom the occupant does business.

16 **Sec. 9. 10 MRSA §1377** is enacted to read:

17 **§1377. Rental agreement**

18 A rental agreement must include the following inquiry:

19 "Will you be storing paper documents or electronic data that contain personal  
20 information relating to clients, customers or others with whom you do business?  
21 Personal information includes, but is not limited to, social security numbers, credit or  
22 debit card information, bank account numbers or passport information.

23 ..... Yes ..... No"

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

25 **§1378. Effects of violations**

26 It is a violation of the Maine Unfair Trade Practices Act if:

27 1. Occupant fails to take measures to protect personal information. An occupant  
28 fails to take appropriate measures to protect personal information of clients, customers or  
29 others with whom the occupant does business;

30 2. Occupant misrepresents absence of personal information. An occupant  
31 intentionally misrepresents the absence of personal information of clients, customers or  
32 others with whom the occupant does business in responding to the inquiry in the rental  
33 agreement under section 1377;

