

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1319

H.P. 965

House of Representatives, March 28, 2011

An Act To Prohibit the Unwarranted Collection of Identifying Data of Motor Vehicles

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative SHAW of Standish.

Cosponsored by Representatives: CHIPMAN of Portland, FITTS of Pittsfield, PLUMMER of Windham, Senators: ALFOND of Cumberland, TRAHAN of Lincoln.

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

2 **Sec. 1. 29-A MRSA §2117-B** is enacted to read:

3 **§2117-B. Collection of motor vehicle data**

4 **1. Prohibition.** Except as provided in subsection 2 and section 2117-A, a state,
5 county or municipal employee may not record or retain identifying data of motor
6 vehicles, including, without limitation, registration plate data.

7 **2. Exception.** Subsection 1 does not apply to:

8 A. The Department of Transportation for the purposes of protecting public safety and
9 transportation infrastructure;

10 B. The Department of Public Safety, Bureau of State Police for the purposes of
11 commercial motor vehicle screening and inspection; and

12 C. Any state, county or municipal law enforcement agency when providing public
13 safety, conducting criminal investigations and ensuring compliance with local, state
14 and federal laws. For purposes of this paragraph, the motor vehicle information may
15 be recorded by a law enforcement officer as defined by Title 17-A, section 2,
16 subsection 17 only when based on specific and articulable facts of a concern for
17 safety, wrongdoing or a criminal investigation or pursuant to a civil order or records
18 from the National Crime Information Center database or an official published law
19 enforcement bulletin.

20 **3. Confidentiality.** Data collected or retained in accordance with subsection 2 are
21 confidential under Title 1, chapter 13 and are available for use only by a law enforcement
22 agency in carrying out its functions or by an agency collecting information under
23 subsection 2 for its intended purpose and any related civil or criminal proceeding.

24 A law enforcement agency may publish and release as public information summary
25 reports using aggregate data that do not reveal the activities of an individual or firm and
26 may share commercial motor vehicle screening data with the Federal Motor Carrier
27 Safety Administration for regulatory compliance purposes.

28 **4. Data retention.** Data collected or retained in accordance with subsection 2 that
29 are not considered intelligence and investigative information as defined by Title 16,
30 section 611, subsection 8, or data collected for the purposes of commercial motor vehicle
31 screening, may not be stored for more than 21 days.

32 **5. Penalty.** A violation of this section is punishable by a fine of up to \$100 for each
33 separate violation.

34 **SUMMARY**

35 This bill prohibits a state, county or municipal employee from recording or retaining
36 identifying data about a motor vehicle. The prohibition does not apply to the Department
37 of Transportation if the recording or retaining of identifying data is conducted for the

1 purposes of protecting public safety and transportation infrastructure, to the Department
2 of Public Safety, Bureau of State Police if the recording or retaining of identifying data is
3 conducted for the purposes of commercial motor vehicle screening and inspection or to a
4 state, county or municipal law enforcement agency if the recording or retaining of
5 identifying data is conducted to provide public safety, conduct criminal investigations or
6 ensure compliance with local, state and federal laws.