

MAINE STATE LEGISLATURE

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L.D. 313

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Minority
JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 222, L.D. 313, Bill, "An Act To Create the Maine Online Privacy Protection Act"

Amend the bill in section 1 in §9573 in subsection 2 by striking out paragraphs A, B and C (page 2, lines 7 to 12 in L.D.) and inserting the following:

'A. The categories of personal information that the operator collects through the website or online service about consumers who use or visit its commercial website or online service;

B. The categories of 3rd-party persons or entities with whom the operator may share such personal information;

C. If the operator has a process for a consumer who uses or visits the operator's publicly accessible website or online service to review and request changes to any of the consumer's personal information that is collected through the website or online service by the operator, a description of that process;'

Amend the bill in section 1 in §9573 in subsection 2 in paragraph D in the 2nd line (page 2, line 14 in L.D.) by inserting after the following: "website" the following: 'or online service'

Amend the bill in section 1 in §9573 in subsection 3 in paragraph C by striking out subparagraph (2) (page 2, lines 28 to 30 in L.D.) and inserting the following:

'(2) Is written in larger type than the surrounding text, or in contrasting type, font or color to the surrounding text of the same size, or set off from the surrounding text of the same size by symbols or other marks that call attention to the privacy statement.'

Amend the bill in section 1 in §9573 by inserting at the end the following:

'4. Exceptions. This section does not apply to:

A. An operator that is subject to and in compliance with another state or federal law or regulation that requires the posting of an online privacy statement; and

H.S.

1 B. A governmental agency of this State.'

2 **SUMMARY**

3 This amendment is the minority report of the Joint Standing Committee on Judiciary.

4 This amendment makes changes consistent with California's Online Privacy
5 Protection Act. This amendment provides that the privacy statement required in the bill
6 must list the categories of personal information that the website operator collects. It also
7 provides that the categories of entities, rather than a description of entities with whom
8 personal information may be shared as described in the bill, must be disclosed. It
9 clarifies the process for a consumer who uses or visits the site to review and request
10 changes to personal information. The amendment also makes the privacy statement font
11 requirements the same as California's.

12 This amendment adds 2 exceptions to the application of the Maine Online Privacy
13 Protection Act. First, if a website operator is subject to and in compliance with another
14 state or federal law or regulation that requires the posting of an online privacy statement,
15 this law does not apply. Government agencies of this State are also exempt.

COMMITTEE AMENDMENT