

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 619

H.P. 438

House of Representatives, February 21, 2013

**An Act To Prohibit the Sharing of Personal Information by State
Agencies**

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative GUERIN of Glenburn.
Cosponsored by Senator VALENTINO of York and
Representatives: CROCKETT of Bethel, DeCHANT of Bath, ESPLING of New Gloucester,
GRAHAM of North Yarmouth, MONAGHAN-DERRIG of Cape Elizabeth, MORIARTY of
Cumberland, PEAVEY HASKELL of Milford, VILLA of Harrison.

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

2 **Sec. 1. 1 MRSA §541, sub-§1**, as enacted by PL 2001, c. 321, Pt. B, §1, is
3 amended to read:

4 **1. Personal information.** "Personal information" means information about a natural
5 person that readily identifies that specific person. "Personal information" includes, but is
6 not limited to:

7 A. Home address;

8 B. Home telephone number;

9 C. Home facsimile number;

10 D. Personal e-mail address;

11 E. Personal cellular telephone number; and

12 F. Personal pager number.

13 **Sec. 2. 1 MRSA §542, first ¶**, as enacted by PL 2001, c. 321, Pt. B, §1, is
14 amended to read:

15 Each public entity that has a publicly accessible site on the Internet associated with it
16 shall develop a policy regarding its practices relating to personal information consistent
17 with the requirements of section 543 and shall post notice of those practices on its
18 publicly accessible site on the Internet. The policy must include:

19 **Sec. 3. 1 MRSA §543** is enacted to read:

20 **§543. Sharing of personal information**

21 **1. Indication of confidentiality.** A public entity that collects or receives an
22 individual's personal information shall allow the individual to indicate that the
23 individual's personal information is confidential and not to be disclosed without the
24 individual's consent.

25 **2. Confidential information.** If an individual indicates that the individual's personal
26 information provided by the individual is confidential as provided in subsection 1, that
27 information is confidential and may not be disclosed without the individual's consent.

28 **3. Exception.** Personal information designated confidential under this section is not
29 confidential to the employees of the public entity for use for the purposes collected or
30 received.

31 **Sec. 4. Maine Revised Statutes headnote amended; revision clause.** In the
32 Maine Revised Statutes, Title 1, chapter 14-A, in the chapter headnote, the words "notice
33 of information practices" are amended to read "information practices" and the Revisor of
34 Statutes shall implement this revision when updating, publishing or republishing the
35 statutes.

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SUMMARY

This bill requires all public entities to treat an individual's personal information as confidential if requested by the individual. "Personal information" includes but is not limited to the home address, home telephone number, home facsimile number, personal e-mail address, personal cellular telephone number and personal pager number of an individual.