

MAINE STATE LEGISLATURE

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3/24/14
R.C.S.

Date: 3/24/14

(Filing No. S-447)

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STATE OF MAINE
SENATE
126TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 838,
L.D. 1194, Bill, "An Act To Protect Social Media Privacy in School and the Workplace"

Amend the amendment in the emergency preamble in the 3rd **Whereas** paragraph in the first line (page 1, line 20 in amendment) by inserting after the following: "devices" the following: ', cloud computing services that process and store student data'

Amend the amendment in the emergency preamble in the 4th **Whereas** paragraph in the first line (page 1, line 22 in amendment) by inserting after the following: "protecting the" the following: 'privacy,'

Amend the amendment in section 1 by striking out all of subsections 3 to 7 (page 2, lines 19 to 32 in amendment) and inserting the following:

3. Concerns of students and prospective students about privacy rights associated with social media, cloud computing services that process and store student data and personal e-mail accounts;

4. Concerns of educational institutions, including public and private schools and postsecondary institutions, about social media, cloud computing services that process and store student data and personal e-mail accounts of students and prospective students with regard to electronic communications devices provided by the institution, compliance with applicable laws and regulatory requirements, including policies and practices addressing bullying and harassment, and in loco parentis responsibilities;

5. Concerns of parents and educators about the processing and storing of student data by online service providers to kindergarten to 12th grade educational institutions in order to build information profiles on students and target online advertisements to students;

6. Laws and experiences in other states concerning social media, cloud computing services that process and store student data and personal e-mail privacy;

7. The application of federal law and regulations concerning social media, cloud computing services that process and store student data and personal e-mail privacy; and

8. How subpoena powers of governmental entities apply to social media, cloud computing services that process and store student data and personal e-mail accounts; and be it further'

SENATE AMENDMENT

ROFS

1 Amend the amendment by striking out all of section 4 and inserting the following:

2 **'Sec. 4. Report. Resolved:** That, no later than November 5, 2014, the committee
3 shall submit a report that includes its findings and recommendations, including suggested
4 legislation, for presentation to the First Regular Session of the 127th Legislature. The
5 committee shall make recommendations concerning limitations on providing log-in
6 information, requiring inclusion on contacts lists, changing privacy settings and otherwise
7 accessing content of social media, cloud computing services that process and store
8 student data and personal e-mail accounts of employees, applicants for employment,
9 students and prospective students, as well as appropriate remedies for violations of
10 restrictions; and be it further

11 **Sec. 5. Funding. Resolved:** That the committee shall seek funding contributions
12 to fully fund the costs of the study. All funding is subject to approval by the Legislative
13 Council in accordance with its policies. If sufficient contributions to fund the study have
14 not been received within 30 days after the effective date of this resolve, no meetings are
15 authorized and no expenses of any kind may be incurred or reimbursed; and be it further

16 **Sec. 6. Appropriations and allocations. Resolved:** That the following
17 appropriations and allocations are made.

18 **LEGISLATURE**

19 **Study Commissions - Funding 0444**

20 Initiative: Provides an allocation to authorize the expenditure of contributions received to
21 fund the costs of a study by the Joint Standing Committee on Judiciary.

22	OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
23	Personal Services	\$0	\$3,080
24	All Other	\$0	\$4,170
25			
26	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$7,250</u>
27			

28 **SUMMARY**

29 This amendment amends Committee Amendment "A" by directing the Joint Standing
30 Committee on Judiciary to include in its study about social media and personal e-mail
31 privacy in school and the workplace concerns about cloud computing services that
32 process and store student data.

33 The amendment also requires the committee to seek funding contributions to fully
34 fund the cost of the study.

35 The amendment also adds an appropriations and allocations section.

36 **SPONSORED BY:** 
37 **(Senator KATZ)**

38 **COUNTY: Kennebec FISCAL NOTE REQUIRED**
(See Attached)

SENATE AMENDMENT



126th MAINE LEGISLATURE

LD 1194

LR 20(04)

Resolve, Directing a Study of Social Media Privacy in School and in the Workplace

Fiscal Note for Senate Amendment "A" to Committee Amendment "A"

Sponsor: Sen. Katz of Kennebec

Fiscal Note Required: Yes

Fiscal Note

	FY 2013-14	FY 2014-15	Projections FY 2015-16	Projections FY 2016-17
Appropriations/Allocations				
Other Special Revenue Funds	\$0	\$7,250	\$0	\$0

Legislative Cost/Study

This amendment requires the Joint Standing Committee on Judiciary to seek contributions of \$7,250 for the estimated costs of the study. No meetings of the committee related to this study are authorized unless the contributions are received and approved by the Legislative Council. An Other Special Revenue Funds allocation of \$7,250 is included to authorize the expenditure of the contributions received.