

MAINE STATE LEGISLATURE

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SMC
ROFS

L.D. 1194

Date: 2/27/14

(Filing No. H-640)

JUDICIARY

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

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 bill by striking out the title and substituting the following:

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

Amend the bill by striking out everything after the title and before the summary and inserting the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Legislature finds that the fast pace of technological development places increasing pressure on individuals' privacy, especially with regard to social media, e-mail and similar applications; and

Whereas, educational institutions often provide electronic devices and access to technology to students to further the educational missions of the institutions; and

Whereas, educational institutions' responsibilities include protecting the safety and well-being of students and educational personnel, including stopping and preventing bullying; and

Whereas, employers often provide electronic devices and access to technology to their employees to further the employers' operations; and

Whereas, state and federal laws, rules, regulations and guidance require employers to monitor their employees' activities that may affect or be related to the employers' responsibilities; and

Whereas, the Legislature finds that an appropriate balance must be found between the needs of educational institutions and employers and the privacy interests of students and employees; and

COMMITTEE AMENDMENT

R.O.F.S

COMMITTEE AMENDMENT "A" to H.P. 838, L.D. 1194

1 **Whereas**, it is necessary that this legislation take effect immediately in order to
2 allow sufficient time for the Joint Standing Committee on Judiciary to conduct its work;
3 and

4 **Whereas**, in the judgment of the Legislature, these facts create an emergency within
5 the meaning of the Constitution of Maine and require the following legislation as
6 immediately necessary for the preservation of the public peace, health and safety; now,
7 therefore, be it

8 **Sec. 1. Study. Resolved:** That the Joint Standing Committee on Judiciary of the
9 126th Legislature, referred to in this resolve as "the committee," shall study the issues
10 involved in social media and personal e-mail privacy with regard to education and
11 employment. The committee shall study:

12 1. Concerns of employees and applicants for employment about privacy rights
13 associated with social media and personal e-mail accounts;

14 2. Concerns of employers, both public and private, about social media and personal
15 e-mail accounts of employees and applicants for employment with regard to workplace
16 needs, protection of proprietary information, proposed heightened requirements
17 associated with specific types of employment and compliance with state and federal laws
18 concerning workplace safety and regulation of business-related representations;

19 3. Concerns of students and prospective students about privacy rights associated with
20 social media and personal e-mail accounts;

21 4. Concerns of educational institutions, including public and private schools and
22 postsecondary institutions, about social media and personal e-mail accounts of students
23 and prospective students with regard to electronic communications devices provided by
24 the institution, compliance with applicable laws and regulatory requirements, including
25 policies and practices addressing bullying and harassment, and in loco parentis
26 responsibilities;

27 5. Laws and experiences in other states concerning social media and personal e-mail
28 privacy;

29 6. The application of federal law and regulations concerning social media and
30 personal e-mail privacy; and

31 7. How subpoena powers of governmental entities apply to social media and
32 personal e-mail accounts; and be it further

33 **Sec. 2. Meetings. Resolved:** That the committee may meet up to 4 times for the
34 purposes of the study; and be it further

35 **Sec. 3. Staff assistance. Resolved:** That the Legislative Council shall provide
36 necessary staffing services to the committee for the purposes of the study; and be it
37 further

38 **Sec. 4. Report. Resolved:** That, no later than November 5, 2014, the committee
39 shall submit a report that includes its findings and recommendations, including suggested
40 legislation, for presentation to the First Regular Session of the 127th Legislature. The
41 committee shall make recommendations concerning limitations on providing log-in

R.O.P.'s

1 information, requiring inclusion on contacts lists, changing privacy settings and otherwise
2 accessing content of social media and personal e-mail accounts of employees, applicants
3 for employment, students and prospective students, as well as appropriate remedies for
4 violations of restrictions.

5 **Emergency clause.** In view of the emergency cited in the preamble, this
6 legislation takes effect when approved.'

7 **SUMMARY**

8 This amendment replaces the bill with a resolve directing the Joint Standing
9 Committee on Judiciary to study issues about social media and personal e-mail privacy in
10 school and in the workplace. It requires the committee to meet up to 4 times and to
11 submit a report by November 5, 2014 for presentation to the First Regular Session of the
12 127th Legislature. This amendment also adds an emergency preamble and clause.

13 **FISCAL NOTE REQUIRED**

14 (See attached)



Approved: 02/07/14 *MAC*

126th MAINE LEGISLATURE

LD 1194

LR 20(02)

An Act To Protect Social Media Privacy in School and the Workplace

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-640)

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Legislative Cost/Study

Legislative Cost/Study

The general operating expenses of this study by the Joint Standing Committee on Judiciary are projected to be \$7,250 in fiscal year 2014-15. The Legislature's proposed budget includes \$10,000 in fiscal year 2014-15 for legislative studies. Whether the amounts are sufficient to fund all studies will depend on the number of studies authorized by the Legislative Council and the Legislature. The additional costs of providing staffing assistance to the study during the interim can be absorbed utilizing existing budgeted staff resources.