

MAINE STATE LEGISLATURE

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Date: 5/1/19

(Filing No. S- 77)

STATE AND LOCAL GOVERNMENT

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STATE OF MAINE

SENATE

129TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 209, L.D. 696, Bill, "An Act To Protect Public Employees from Identity Theft"

Amend the bill by striking out the title and substituting the following:

'An Act To Require Municipalities and School Districts To Provide Notice of Breaches in Personal Data Security'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 10 MRSA §1347, sub-§5, as amended by PL 2005, c. 583, §3 and affected by §14, is further amended to read:

5. Person. "Person" means an individual, partnership, corporation, limited liability company, trust, estate, cooperative, association or other entity, including agencies of State Government, municipalities, school administrative units, the University of Maine System, the Maine Community College System, Maine Maritime Academy and private colleges and universities. "Person" as used in this chapter may not be construed to require duplicative notice by more than one individual, corporation, trust, estate, cooperative, association or other entity involved in the same transaction.

Sec. 2. 10 MRSA §1348, sub-§1, as repealed and replaced by PL 2005, c. 583, §6 and affected by §14, is amended to read:

1. Notification to residents. The following provisions apply to notification to residents by information brokers and other persons.

A. If an information broker that maintains computerized data that includes personal information becomes aware of a breach of the security of the system, the information broker shall conduct in good faith a reasonable and prompt investigation to determine the likelihood that personal information has been or will be misused and shall give notice of a breach of the security of the system following discovery or notification of the security breach to a resident of this State whose personal information has been, or is reasonably believed to have been, acquired by an unauthorized person.

COMMITTEE AMENDMENT

1 B. If any other person who maintains computerized data that includes personal
2 information becomes aware of a breach of the security of the system, the person shall
3 conduct in good faith a reasonable and prompt investigation to determine the
4 likelihood that personal information has been or will be misused and shall give notice
5 of a breach of the security of the system following discovery or notification of the
6 security breach to a resident of this State if misuse of the personal information has
7 occurred or if it is reasonably possible that misuse will occur.

8 The notices required under paragraphs A and B must be made as expediently as possible
9 and without unreasonable delay, consistent with the legitimate needs of law enforcement
10 pursuant to subsection 3 or with measures necessary to determine the scope of the
11 security breach and restore the reasonable integrity, security and confidentiality of the
12 data in the system, but in no event later than 30 days after the person identified in
13 paragraph A or B becomes aware of a breach of security and identifies its scope.

14 **Sec. 3. 10 MRSA §1349, sub-§2, ¶A,** as amended by PL 2005, c. 583, §11 and
15 affected by §14, is further amended to read:

16 A. A fine of not more than \$500 per violation, up to a maximum of \$2,500 for each
17 day the person is in violation of this chapter, except that this paragraph does not
18 apply to State Government, municipalities, school administrative units, the University
19 of Maine System, the Maine Community College System or Maine Maritime
20 Academy;

21 SUMMARY

22 This amendment replaces the bill. It amends the Notice of Risk to Personal Data Act
23 to add municipalities and school administrative units to the definition of "person" to make
24 the Act applicable to these entities. It also exempts these entities from the civil violations
25 provision of the Notice of Risk to Personal Data Act. The amendment specifies that
26 notice to residents of the State of a security breach must be given no later than 30 days
27 after the information broker or person maintaining computerized data that includes
28 personal information becomes aware of a security breach.

29 FISCAL NOTE REQUIRED

30 (See attached)



129th MAINE LEGISLATURE

LD 696

LR 1087(02)

An Act To Protect Public Employees from Identity Theft

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-77)
Committee: State and Local Government
Fiscal Note Required: Yes

Fiscal Note

Potential State Mandate - Unfunded

State Mandates

Required Activity

Requires notification to residents when there is a security breach of personal information.

Unit Affected

Municipality
School

Local Cost

Insignificant
statewide

The required local activities in this bill may represent a state mandate pursuant to the Constitution of Maine. If the bill does require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue, the state mandate provisions of the Constitution of Maine require either: (1) General Fund appropriations be provided to fund at least 90% of any additional necessitated local costs of the mandate; or (2) a Mandate Preamble be added to the bill and two-thirds of the members of each House vote to exempt the mandate from the funding requirement. If the bill does represent a state mandate and neither one of these actions occurs, the local units of government will not be required to implement the mandated activities.