

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 864

H.P. 632

House of Representatives, March 8, 2021

An Act To Protect Teachers' Privacy While Delivering Remote Instruction

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DODGE of Belfast.
Cosponsored by Senator RAFFERTY of York and
Representatives: CROCKETT of Portland, HEPLER of Woolwich, McCREIGHT of
Harpwell, MILLETT of Cape Elizabeth, ROBERTS of South Berwick, SALISBURY of
Westbrook, Senator: CURRY of Waldo.

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

2 **Sec. 1. 20-A MRSA §6804-A** is enacted to read:

3 **§6804-A. Remote instruction**

4 **1. Definitions.** For the purposes of this section, unless the context otherwise indicates,
5 the following terms have the following meanings.

6 A. "Remote instruction" means instruction provided using audio or video transmission
7 of a teacher or of a classroom with a teacher and participating students. "Remote
8 instruction" includes real-time transmissions and recorded sessions.

9 B. "Unauthorized person" means any person who has not been authorized by a public
10 or private school to participate in remote instruction.

11 **2. Access; unauthorized persons prohibited.** An unauthorized person may not
12 access, view, listen to, disrupt or participate in remote instruction. This subsection does
13 not prohibit incidental viewing of or listening to a session of remote instruction by a person
14 in the same location as a student located outside the classroom who is participating in the
15 remote instruction or by a parent or guardian of a student as necessary to assist a student in
16 accessing remote instruction. A student may access the remote instruction only for the
17 educational purpose intended by the teacher.

18 **3. Recording; prohibition.** Notwithstanding any provision of law to the contrary and
19 except as authorized by a public or private school for the purposes of remote instruction, a
20 person may not make an audio, video or digital recording, including taking a photograph,
21 of a real-time transmission of remote instruction and may not photograph, record, copy,
22 distribute or retransmit a recorded session of remote instruction or any part thereof without
23 the express written consent of the public or private school.

24 **4. Violation.** A person who violates this section commits a civil violation for which a
25 fine of not less than \$200 nor more than \$500 may be adjudged.

26 **SUMMARY**

27 This bill prohibits an unauthorized person from accessing, viewing, listening to,
28 disrupting or otherwise participating in remote instruction for elementary or secondary
29 school students and provides that a student may access the remote instruction only for the
30 purpose intended by the instructor.

31 This bill also prohibits a person from making any audio, video or digital recording of
32 a real-time transmission of remote instruction and prohibits a person from photographing,
33 recording, copying, distributing or retransmitting a recorded session of remote instruction
34 or any part thereof without the express written consent of the public or private school.

35 This bill provides that a violation of these provisions is a civil violation for which a
36 fine of not less than \$200 nor more than \$500 may be adjudged.