

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2021

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Legislative Document

No. 1585

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H.P. 1174

House of Representatives, April 27, 2021

**An Act To Increase Privacy and Security by Prohibiting the Use of  
Facial Surveillance by Certain Government Employees and Officials**

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Reference to the Committee on Judiciary suggested and ordered printed.

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT  
Clerk

Presented by Representative LOOKNER of Portland.  
Cosponsored by Representatives: EVANGELOS of Friendship, HARNETT of Gardiner,  
MORALES of South Portland, O'NEIL of Saco, PLUECKER of Warren, TALBOT ROSS of  
Portland, WARREN of Hallowell, Senator: MAXMIN of Lincoln.

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

2 **Sec. 1. 25 MRSA Pt. 14** is enacted to read:

3 **PART 14**

4 **SURVEILLANCE**

5 **CHAPTER 701**

6 **FACIAL SURVEILLANCE**

7 **§6001. Facial surveillance**

8 **1. Definitions.** As used in this chapter, unless the context otherwise indicates, the  
9 following terms have the following meanings.

10 A. "Facial surveillance" means an automated or semi-automated process that assists in  
11 identifying or verifying an individual, or in capturing information about an individual,  
12 based on the physical characteristics of an individual's face.

13 B. "Facial surveillance system" means any computer software or application that  
14 performs facial surveillance.

15 C. "Public employee" means a person employed by the State, a county, a municipality  
16 or any entity identified in statute as a public instrumentality.

17 D. "Public official" means a person elected or appointed to a public office that is part  
18 of the State, a county, a municipality or any entity identified in statute as a public  
19 instrumentality.

20 **2. Public employee or public official use of facial surveillance.** The following  
21 provisions govern the use of facial surveillance by a public employee or public official.

22 A. A public employee or public official may not:

23 (1) Obtain, retain, possess, access or use a facial surveillance system or  
24 information derived from a facial surveillance system;

25 (2) Enter into an agreement with a 3rd party for the purpose of obtaining, retaining,  
26 possessing, accessing or using, by or on behalf of a public employee or public  
27 official, a facial surveillance system; or

28 (3) Issue a permit or enter into any other agreement that authorizes a 3rd party to  
29 obtain, retain, possess, access or use a facial surveillance system or information  
30 derived from a facial surveillance system.

31 B. Nothing in paragraph A prohibits a public employee or public official from:

32 (1) Using evidence relating to an investigation of a specific crime that may have  
33 been generated from a facial surveillance system;

34 (2) Obtaining or possessing an electronic device, such as a cell phone or computer,  
35 for evidentiary purposes or an electronic device, such as a cell phone or tablet, that  
36 performs facial surveillance for the sole purpose of user authentication;

