

MAINE STATE LEGISLATURE

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L.D. 1945

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Date: 4-14-22

(Filing No. H-1017)

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REPORT A
JUDICIARY

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STATE OF MAINE

6

HOUSE OF REPRESENTATIVES

7

130TH LEGISLATURE

8

SECOND REGULAR SESSION

9

COMMITTEE AMENDMENT "A" to H.P. 1450, L.D. 1945, "An Act To Regulate
10 the Use of Biometric Identifiers"

11

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

12

'Resolve, To Establish the Special Committee To Protect Biometric Identifiers'

13

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

14

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

16

Whereas, individuals' privacy and security are jeopardized by the unregulated
17 collection, storage, use, sale, security and destruction of biometric identifiers; and

18

Whereas, the Special Committee To Protect Biometric Identifiers is needed to study
19 and make recommendations concerning the collection, storage, use, sale, security and
20 destruction of biometric identifiers; and

21

Whereas, the study must be initiated before the 90-day period expires in order that
22 the study may be completed and a report submitted in time for submission to the next
23 legislative session; and

24

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

28

Sec. 1. Special committee established. Resolved: That the Special Committee
29 To Protect Biometric Identifiers, referred to in this resolve as "the special committee," is
30 established.

31

Sec. 2. Special committee membership. Resolved: That the special committee
32 consists of 7 members appointed as follows:

1 1. Three members of the Senate appointed by the President of the Senate, including
 2 members from each of the 2 parties holding the largest number of seats in the Legislature;
 3 and

4 2. Four members of the House of Representatives appointed by the Speaker of the
 5 House, including members from each of the 2 parties holding the largest number of seats
 6 in the Legislature.

7 **Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair
 8 and the first-named House of Representatives member is the House chair of the special
 9 committee.

10 **Sec. 4. Appointments; convening of special committee. Resolved:** That all
 11 appointments must be made no later than 30 days following the effective date of this
 12 resolve. The appointing authorities shall notify the Executive Director of the Legislative
 13 Council once all appointments have been completed. After appointment of all members,
 14 the chairs shall call and convene the first meeting of the special committee. If 30 days or
 15 more after the effective date of this resolve a majority of but not all appointments have
 16 been made, the chairs may request authority and the Legislative Council may grant
 17 authority for the special committee to meet and conduct its business.

18 **Sec. 5. Duties. Resolved:** That the special committee shall:

19 1. Review legislation considered by the 130th Legislature concerning the privacy of
 20 personal information and biometric identifiers;

21 2. Review potential definitions of biometric identifiers, including information that is
 22 generated by measurements of an individual's unique biological characteristics, such as
 23 voiceprints and imagery of the iris, retina, fingerprint, face or hand, and that can be used to
 24 identify that individual, for use in regulating any aspect of the collection, storage, use, sale,
 25 security and destruction of biometric identifiers;

26 3. Review existing law of the State that applies to biometric identifiers;

27 4. Review how other jurisdictions regulate the collection, storage, use, sale, security
 28 and destruction of biometric identifiers;

29 5. Review the extent to which federal laws and regulations regulate the collection,
 30 storage, use, sale, security and destruction of biometric identifiers;

31 6. Identify the enforcement mechanisms and remedies that have been used in other
 32 jurisdictions, the extent to which they enhance compliance with state regulation of
 33 biometric identifiers and other impacts of the enforcement mechanisms and remedies;

34 7. Gather relevant information by inviting presentations from identified stakeholders,
 35 which may include, but are not limited to:

36 A. Organizations focused on protecting private information;

37 B. Public and private entities that engage in the collection, storage, use, sale, security
 38 and destruction of biometric identifiers;

39 C. Experts in personal information privacy and biometric technology;

40 D. Representatives of industries that use biometric identifiers to verify identity of those
 41 seeking services, including financial institutions and health care providers;

- 1 E. Federal and state agencies that enforce laws regulating biometric identifiers; and
- 2 F. Any other source the special committee believes might provide useful information;
- 3 and
- 4 8. Make recommendations regarding legislation to protect an individual's privacy with
- 5 respect to the collection, storage, use, sale, security and destruction of biometric identifiers,
- 6 including:
 - 7 A. Defining the scope of biometric identifiers that require protection;
 - 8 B. Identifying changes in state law needed in order to protect an individual's privacy
 - 9 with regard to biometric identifiers; and
 - 10 C. Recommending remedies and enforcement mechanisms that will enhance
 - 11 compliance with state regulation of biometric identifiers without preventing the
 - 12 beneficial use of biometric identifiers.

13 **Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide
 14 necessary staffing services to the special committee, except that Legislative Council staff
 15 support is not authorized when the Legislature is in regular or special session.

16 **Sec. 7. Report. Resolved:** That, notwithstanding Joint Rule 353, no later than
 17 December 15, 2022, the special committee shall submit a report that includes its findings
 18 and recommendations, including suggested legislation, to the joint standing committee of
 19 the Legislature having jurisdiction over judiciary matters. That committee may report out
 20 legislation related to the report to the 131st Legislature in 2023.

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

23 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
 24 number to read consecutively.

25 **SUMMARY**

26 This amendment replaces the bill with a resolve that establishes the 7-member Special
 27 Committee To Protect Biometric Identifiers to study and make recommendations
 28 concerning the collection, storage, use, sale, security and destruction of biometric
 29 identifiers. The special committee is required to report to the joint standing committee of
 30 the Legislature having jurisdiction over judiciary matters by December 15, 2022 and that
 31 committee may report out legislation to the 131st Legislature in 2023.

32 **FISCAL NOTE REQUIRED**
 33 (See attached)



130th MAINE LEGISLATURE

LD 1945

LR 2477(02)

An Act To Regulate the Use of Biometric Identifiers

Fiscal Note for Bill as Amended by Committee Amendment *Aⁿ(H-1017)*

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Legislative Cost/Study

Legislative Cost/Study

The general operating expenses of this study are projected to be \$1,750 in fiscal year 2021-22 and \$2,000 in fiscal year 2022-23. The Legislature's budget for the 2022-2023 biennium includes an estimated \$6,108 in fiscal year 2022 and \$10,000 in fiscal year 2022-23 for the costs of legislative studies, as well as \$31,260 of balances carried over from prior years for this purpose. Whether these 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.