1	L.D. 1822
2	Date: (Filing No. S-)

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STATE OF MAINE

SENATE

132ND LEGISLATURE

SECOND REGULAR SESSION

8 SENATE AMENDMENT " " to COMMITTEE AMENDMENT "A" to H.P. 1220,
9 L.D. 1822, "An Act to Enact the Maine Online Data Privacy Act"

10 Amend the amendment by inserting after the first instructional paragraph the
11 following:

12 'Amend the bill in section 1 in c. 1057 in §9602 in subsection 6 in the last line (page 1,
13 line 35 in L.D.) by striking out the following: "data" and inserting the following: 'data,
14 except that "collect" does not include such activities between a controller and a processor
15 or between a processor and its subcontractors' '

16 Amend the amendment on page 2 by striking out all of the 2nd instructional paragraph
17 (page 2, lines 4 to 6 in amendment) and inserting the following:

18 'Amend the bill in section 1 in c. 1057 in §9602 in subsection 28 in the first line (page
19 4, line 19 in L.D.) by inserting after the following: "that" the following: 'collects or' '

20 Amend the amendment on page 2 in subsection 31 in paragraph B in subparagraph (3)
21 in the last line (page 2, line 19 in amendment) by inserting after the following: "consumer;"
22 the following: 'or'

23 Amend the amendment on page 2 in subsection 31 in paragraph B by striking out all
24 of subparagraphs (4) to (6).

25 Amend the amendment on page 2 in subsection 31 in paragraph B by renumbering the
26 subparagraphs to read consecutively.

27 Amend the amendment on page 3 by striking out the 3rd instructional paragraph (page
28 3, lines 9 to 11 in amendment) and inserting the following:

29 'Amend the bill in section 1 in c. 1057 in §9603 in subsection 1 in the first line (page
30 6, line 28 in L.D.) by striking out the following: "July 1, 2026" and inserting the following:
31 'September 1, 2027' '

32 Amend the amendment on page 3 by inserting after the 3rd instructional paragraph the
33 following:

34 'Amend the bill in section 1 in c. 1057 in §9604 in subsection 1 in paragraph G in the
35 last line (page 7, line 19 in L.D.) by striking out the following: "or"

SENATE AMENDMENT

1   Amend the bill in section 1 in c. 1057 in §9604 in subsection 1 in paragraph H in the
2 last line (page 7, line 22 in L.D.) by striking out the following: "service." and inserting the
3 following: 'service; or'

4   Amend the bill in section 1 in c. 1057 in §9604 in subsection 1 by inserting after
5 paragraph H the following:

6   'I. A political organization, defined as a party, committee, association, fund or other
7 organization, whether or not incorporated, that is organized and operated primarily for
8 the purpose of influencing or attempting to influence the selection, nomination,
9 election or appointment of any individual to any federal, state or local public office or
10 office in a political organization or the election of a presidential or vice-presidential
11 elector, whether or not the individual or elector is selected, nominated, elected or
12 appointed.' '

13   Amend the amendment on page 5 in paragraph C in subparagraph (2) in the first line
14 (page 5, line 39 in amendment) by striking out the following: "2026" and inserting the
15 following: '2027'

16   Amend the amendment on page 6 by inserting after the first instructional paragraph the
17 following:

18   'Amend the bill in section 1 in c. 1057 in §9609 in subsection 1 in the first line (page
19 15, line 18 in L.D.) by inserting after the following: "to" the following: 'collect or' '

20   Amend the amendment on page 7 in subsection 8 in the last line (page 7, line 36 in
21 amendment) by striking out the following: "2026" and inserting the following: '2027'

22   Amend the amendment on page 9 by inserting after subsection 8 the following:

23   'Amend the bill in section 1 in c. 1057 in §9614 in subsection 2 in the 3rd line (page
24 21, line 32 in L.D.) by striking out the following: "2027" and inserting the following: '2028'
25 '

26   Amend the amendment on page 9 in §9615 in the first indented paragraph in the first
27 line (page 9, line 9 in amendment) by striking out the following: "February 1, 2027 and
28 annually thereafter" and inserting the following: 'January 5th annually'

29   Amend the amendment on pages 9 and 10 by striking out all of sections 2 and 3 and
30 inserting the following:

31   '**Sec. 2. Report by Attorney General in 2028.** Notwithstanding the Maine Revised
32 Statutes, Title 10, section 9614, the Attorney General shall submit the first report required
33 by Title 10, section 9614 no later than February 1, 2028.

34   **Sec. 3. Appropriations and allocations.** The following appropriations and
35 allocations are made.

36 **ATTORNEY GENERAL, DEPARTMENT OF THE**

37 **Administration - Attorney General 0310**

38 Initiative: Provides funding for one Assistant Attorney General position, one Paralegal
39 position, one Technician position and related costs to administer and enforce the Maine
40 Online Data Privacy Act.

41 **OTHER SPECIAL REVENUE FUNDS**   **2025-26**   **2026-27**

SENATE AMENDMENT

1 POSITIONS - LEGISLATIVE COUNT	0.000	3.000
2 Personal Services	$0	$420,508
3 All Other	$0	$20,000
4		
5 OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$440,508

6   **Sec. 4. Effective date.** That section of this Act that enacts the Maine Revised
7 Statutes, Title 10, chapter 1057 takes effect September 1, 2027.'

8   Amend the amendment by relettering or renumbering any nonconsecutive Part letter or
9 section number to read consecutively.

10   **SUMMARY**

11   This amendment amends Committee Amendment "A" to:

12   1. Exempt from the definition of "collect" activities between a controller and a
13 processor and between a processor and its subcontractors;

14   2. Remove from the definition of "process" the exclusion of the collection of personal
15 data;

16   3. Add to the definition of "processor" the collection of personal data;

17   4. Remove from the definition of "publicly available information" the exclusion of
18 information used to create a consumer profile that is publicly available, information
19 available for sale and inferences related to such information;

20   5. Add as an exempt entity a political organization;

21   6. Delay the effective date of the Maine Online Data Privacy Act from September 1,
22 2026, as proposed in Committee Amendment "A," to September 1, 2027 and make other
23 date changes to accommodate that delay, including:

24   A. The date by which a consumer must be allowed to opt out of the collection or
25   processing of data, September 1, 2027;

26   B. The cutoff date for a violation that the controller or processor may cure without
27   enforcement by the Attorney General, April 1, 2028; and

28   C. The date the Attorney General is first required to submit a report to the joint standing
29   committee of the Legislature having jurisdiction over judiciary matters, February 1,
30   2028. Subsequent reports are due annually by January 5th; and

31   7. Replace the appropriation and allocation section in Committee Amendment "A" to
32 change the source of the funding.

33   **SPONSORED BY:** _____

34   **(Senator CARNEY, A.)**

35   **COUNTY: Cumberland**

SENATE AMENDMENT