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Date: (Filing No. H-)

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
132ND LEGISLATURE
SECOND REGULAR SESSION**

HOUSE AMENDMENT “ ” to COMMITTEE AMENDMENT “A” to H.P. 1220, L.D. 1822, “An Act to Enact the Maine Online Data Privacy Act”

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

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

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

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

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

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

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

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

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

Amend the bill in section 1 in c. 1057 in §9604 in subsection 1 in paragraph E in the first line (page 7, line 7 in L.D.) by inserting after the following: "organization" the following: 'or an affiliate of that organization'

HOUSE AMENDMENT

1 Amend the bill in section 1 in c. 1057 in §9604 in subsection 1 in paragraph E in the
2 first line (page 7, line 7 in L.D.) by inserting after the following: "corporation" the
3 following: 'or an affiliate of that corporation'

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

7 Amend the amendment on page 6 by inserting after the first instructional paragraph the
8 following:

9 'Amend the bill in section 1 in c. 1057 in §9609 in subsection 1 in the first line (page
10 15, line 18 in L.D.) by inserting after the following: "to" the following: 'collect or'

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

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

14 'Amend the bill in section 1 in c. 1057 in §9614 in subsection 2 in the 3rd line (page
15 21, line 32 in L.D.) by striking out the following: "2027" and inserting the following: '2028'
16 '

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

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

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

25 **Sec. 3. Appropriations and allocations.** The following appropriations and
26 allocations are made.

27 **ATTORNEY GENERAL, DEPARTMENT OF THE**

28 **Administration - Attorney General 0310**

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

32 OTHER SPECIAL REVENUE FUNDS	2025-26	2026-27
33 POSITIONS - LEGISLATIVE COUNT	0.000	3.000
34 Personal Services	\$0	\$420,508
35 All Other	\$0	\$20,000
36		
37 OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$440,508</u>

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

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

SUMMARY

This amendment amends Committee Amendment "A" to:

1. Exempt from the definition of "collect" activities between a controller and a processor and between a processor and its subcontractors;
2. Remove from the definition of "process" the exclusion of the collection of personal data;
3. Add to the definition of "processor" the collection of personal data;
4. Remove from the definition of "publicly available information" the exclusion of information used to create a consumer profile that is publicly available, information available for sale and inferences related to such information;
5. Add to the exemptions from the Maine Online Data Privacy Act an affiliate of a supervised financial organization or service corporation;
6. Delay the effective date of the Maine Online Data Privacy Act from September 1, 2026, as proposed in Committee Amendment "A," to September 1, 2027 and make other date changes to accommodate that delay, including:
 - A. The date by which a consumer must be allowed to opt out of the collection or processing of data, September 1, 2027;
 - B. The cutoff date for a violation that the controller or processor may cure without enforcement by the Attorney General, April 1, 2028; and
 - C. The date the Attorney General is first required to submit a report to the joint standing committee of the Legislature having jurisdiction over judiciary matters, February 1, 2028. Subsequent reports are due annually by January 5th; and
7. Replace the appropriation and allocation section in Committee Amendment "A" to change the source of the funding.

SPONSORED BY: _____

(Representative KUHN, A.)

TOWN: Falmouth