

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Protect Confidential Consumer Records in Self-service Storage Facilities

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

Sec. 1. 10 MRSA §1372, sub-§5-A is enacted to read:

5-A. Personal information. "Personal information" means information about a person that readily identifies that person or is closely associated with that person. "Personal information" includes, but is not limited to, social security numbers, credit or debit card information, bank account numbers, medical information or passport information.

Sec. 2. 10 MRSA §1372, sub-§6-A is enacted to read:

6-A. Reasonable belief. "Reasonable belief" is the actual knowledge or belief a prudent person would have without making an investigation that a leased space contains personal information relating to clients, customers or others with whom the occupant does business.

Sec. 3. 10 MRSA §1375, sub-§1, as enacted by PL 1989, c. 62, is amended to read:

1. Sale; use of proceeds.Except as provided in subsection 1-A, if the occupant is in default for a period of more than 45 days, the operator may enforce a lien by selling the property stored in the leased space at a public or private sale for cash. Proceeds shall~~must~~ then be applied to satisfy the lien, with any surplus disbursed as provided in subsection 5.

Sec. 4. 10 MRSA §1375, sub-§1-A is enacted to read:

1-A. Leased space containing personal information. When the operator has a reasonable belief that the leased space contains personal information relating to clients, customers or others with whom the occupant does business, the operator may not hold a lien sale of the personal information and may destroy the personal information without liability to any person.

Sec. 5. 10 MRSA §1375, sub-§1-B is enacted to read:

1-B. Operator may inspect contents of leased space. After an occupant is in default pursuant to subsection 1, an operator may inspect the contents of a leased space to investigate the presence of personal information without liability to any person.

Sec. 6. 10 MRSA §1375, sub-§3, as enacted by PL 1989, c. 62, is amended to read:

3. Redemption of property. At any time before a sale under this section or before property is disposed of or destroyed under section 1373, subsection 3, paragraph C or under subsection 1-A, whichever occurs first, the occupant may pay the amount necessary to satisfy the lien and redeem the occupant's personal property.

Sec. 7. 10 MRSA §1375, sub-§7, as enacted by PL 1989, c. 62, is amended to read:

7. Purchasers. ~~A~~ Except as provided in subsection 7-A, a purchaser in good faith of any personal property sold under this Act takes the property free and clear of any rights of:

- A. Persons against whom the lien was valid; and
- B. Other lienholders.

Sec. 8. 10 MRSA §1375, sub-§7-A is enacted to read:

7-A. Purchaser to sign contract. Before taking possession of any personal property sold under this Act, a purchaser must sign a contract provided by the operator that contains provisions including, but not limited to, an agreement by the purchaser to return to the operator any personal information relating to clients, customers or others with whom the occupant does business.

Sec. 9. 10 MRSA §1377 is enacted to read:

§ 1377. Effects of violations

It is a violation of the Maine Unfair Trade Practices Act if:

1. Occupant fails to take measures to protect personal information. An occupant fails to take appropriate measures to protect personal information of clients, customers or others with whom the occupant does business;

2. Purchaser fails to return personal information. A purchaser of any personal property under this Act intentionally fails to return to the operator any personal information of clients, customers or others with whom the occupant does business; and

3. Operator conducts lien sale of personal information. An operator has a reasonable belief that a leased space contains personal information relating to clients, customers or others with whom the occupant does business and nonetheless intentionally conducts a lien sale of personal information relating to clients, customers or others with whom the occupant does business.

Effective 90 days following adjournment of the 124th
Legislature, Second Regular Session, unless otherwise indicated.