

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 Prohibit the Unwarranted Collection of Identifying Data of Motor Vehicles**

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

**Sec. 1. 29-A MRSA §2117-B** is enacted to read:

### **§ 2117-B. Collection of motor vehicle data**

**1. Prohibition.** Except as provided in subsection 2 and section 2117-A, a state, county or municipal employee may not record or retain identifying data of motor vehicles, including, without limitation, registration plate data.

**2. Exception.** Subsection 1 does not apply to:

A. The Department of Transportation for the purposes of protecting public safety and transportation infrastructure;

B. The Department of Public Safety, Bureau of State Police for the purposes of commercial motor vehicle screening and inspection; and

C. Any state, county or municipal law enforcement agency when providing public safety, conducting criminal investigations and ensuring compliance with local, state and federal laws. For purposes of this paragraph, the motor vehicle information may be recorded by a law enforcement officer as defined by Title 17-A, section 2, subsection 17 only when based on specific and articulable facts of a concern for safety, wrongdoing or a criminal investigation or pursuant to a civil order or records from the National Crime Information Center database or an official published law enforcement bulletin.

**3. Confidentiality.** Data collected or retained in accordance with subsection 2 are confidential under Title 1, chapter 13 and are available for use only by a law enforcement agency in carrying out its functions or by an agency collecting information under subsection 2 for its intended purpose and any related civil or criminal proceeding.

A law enforcement agency may publish and release as public information summary reports using aggregate data that do not reveal the activities of an individual or firm and may share commercial motor vehicle screening data with the Federal Motor Carrier Safety Administration for regulatory compliance purposes.

**4. Data retention.** Data collected or retained in accordance with subsection 2 that are not considered intelligence and investigative information as defined by Title 16, section 611, subsection 8, or data collected for the purposes of commercial motor vehicle screening, may not be stored for more than 21 days.

**5. Penalty.** A violation of this section is punishable by a fine of up to \$100 for each separate violation.

## SUMMARY

This bill prohibits a state, county or municipal employee from recording or retaining identifying data about a motor vehicle. The prohibition does not apply to the Department of Transportation if the recording or retaining of identifying data is conducted for the purposes of protecting public safety and transportation infrastructure, to the Department of Public Safety, Bureau of State Police if the recording or retaining of identifying data is conducted for the purposes of commercial motor vehicle screening and inspection or to a state, county or municipal law enforcement agency if the recording or retaining of identifying data is conducted to provide public safety, conduct criminal investigations or ensure compliance with local, state and federal laws.