

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

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

**'Resolve, Directing a Study of Social Media
Privacy in School and in the Workplace'**

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

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

Whereas, the Legislature finds that the fast pace of technological development places increasing pressure on individuals' privacy, especially with regard to social media, e-mail and similar applications; and

Whereas, educational institutions often provide electronic devices and access to technology to students to further the educational missions of the institutions; and

Whereas, educational institutions' responsibilities include protecting the safety and well-being of students and educational personnel, including stopping and preventing bullying; and

Whereas, employers often provide electronic devices and access to technology to their employees to further the employers' operations; and

Whereas, state and federal laws, rules, regulations and guidance require employers to monitor their employees' activities that may affect or be related to the employers' responsibilities; and

Whereas, the Legislature finds that an appropriate balance must be found between the needs of educational institutions and employers and the privacy interests of students and employees; and

Whereas, it is necessary that this legislation take effect immediately in order to allow sufficient time for the Joint Standing Committee on Judiciary to conduct its work; and

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

Sec. 1 Study. Resolved: That the Joint Standing Committee on Judiciary of the 126th Legislature, referred to in this resolve as "the committee," shall study the issues involved in social media and personal e-mail privacy with regard to education and employment. The committee shall study:

1. Concerns of employees and applicants for employment about privacy rights associated with social media and personal e-mail accounts;

2. Concerns of employers, both public and private, about social media and personal e-mail accounts of employees and applicants for employment with regard to workplace needs, protection of proprietary information, proposed heightened requirements associated with specific types of employment and compliance with state and federal laws concerning workplace safety and regulation of business-related representations;

3. Concerns of students and prospective students about privacy rights associated with social media and personal e-mail accounts;

4. Concerns of educational institutions, including public and private schools and postsecondary institutions, about social media and personal e-mail accounts of students and prospective students with regard to electronic communications devices provided by the institution, compliance with applicable laws and regulatory requirements, including policies and practices addressing bullying and harassment, and in loco parentis responsibilities;

5. Laws and experiences in other states concerning social media and personal e-mail privacy;

6. The application of federal law and regulations concerning social media and personal e-mail privacy; and

7. How subpoena powers of governmental entities apply to social media and personal e-mail accounts; and be it further

Sec. 2 Meetings. Resolved: That the committee may meet up to 4 times for the purposes of the study; and be it further

Sec. 3 Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the committee for the purposes of the study; and be it further

Sec. 4 Report. Resolved: That, no later than November 5, 2014, the committee shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the First Regular Session of the 127th Legislature. The committee shall make recommendations concerning limitations on providing log-in information, requiring inclusion on contacts lists, changing privacy settings and otherwise accessing content of social media and personal e-mail accounts of employees, applicants for employment, students and prospective students, as well as appropriate remedies for violations of restrictions.

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

SUMMARY

This amendment replaces the bill with a resolve directing the Joint Standing Committee on Judiciary to study issues about social media and personal e-mail privacy in school and in the workplace. It requires the committee to meet up to 4 times and to submit a report by November 5, 2014 for presentation to the First Regular Session of the 127th Legislature. This amendment also adds an emergency preamble and clause.

FISCAL NOTE REQUIRED
(See attached)