126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document **No. 158**

H.P. 133 House of Representatives, January 31, 2013

An Act To Amend the Notice of Risk to Personal Data Act To Further Protect Consumers

Reference to the Committee on Insurance and Financial Services suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND
Clerk

Presented by Representative TREAT of Hallowell.
Cosponsored by Senator PATRICK of Oxford and
Representatives: CAREY of Lewiston, CRAY of Palmyra, FITZPATRICK of Houlton,
GOODE of Bangor, LONGSTAFF of Waterville, MORRISON of South Portland, Senators:
BOYLE of Cumberland, SAVIELLO of Franklin.

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

2   **Sec. 1. 10 MRSA §1348, sub-§1,** as repealed and replaced by PL 2005, c. 583, §6
3   and affected by §14, is amended to read:

4   **1. Notification to residents.** The following provisions apply to notification to
5   residents by information brokers and other persons.

6   A.   If an information broker that maintains computerized data that includes personal
7   information becomes aware of a breach of the security of the system, the information
8   broker shall conduct in good faith a reasonable and prompt investigation to determine
9   the likelihood that personal information has been or will be misused and shall give
10   notice of a breach of the security of the system following discovery or notification of
11   the security breach to a resident of this State whose personal information has been, or
12   is reasonably believed to have been, acquired by an unauthorized person.

13   B.   If any other person who maintains computerized data that includes personal
14   information becomes aware of a breach of the security of the system, the person shall
15   conduct in good faith a reasonable and prompt investigation to determine the
16   likelihood that personal information has been or will be misused and shall give notice
17   of a breach of the security of the system following discovery or notification of the
18   security breach to a resident of this State if misuse of the personal information has
19   occurred or if it is reasonably possible that misuse will occur.

20   The notices required under paragraphs A and B must be made as expediently as possible
21   and without unreasonable delay, consistent with the legitimate needs of law enforcement
22   pursuant to subsection 3 or with measures necessary to determine the scope of the
23   security breach and restore the reasonable integrity, security and confidentiality of the
24   data in the system. In no event may notice be provided later than 30 days after the
25   discovery of the breach of the security of the system.

26   **Sec. 2. 10 MRSA §1348, sub-§5,** as amended by PL 2005, c. 583, §9 and
27   affected by §14, is further amended to read:

28   **5. Notification to state regulators.** When notice of a breach of the security of the
29   system is required under subsection 1, the person shall immediately notify the appropriate
30   state regulators within the Department of Professional and Financial Regulation, or if the
31   person is not regulated by the department, the Attorney General.

32   **Sec. 3. 10 MRSA §1349, sub-§2, ¶A,** as amended by PL 2005, c. 583, §11 and
33   affected by §14, is further amended to read:

34   A.   A fine of not more than $500 $1,000 per violation, up to a maximum of $2,500
35       $5,000 for each day the person is in violation of this chapter, except that this
36   paragraph does not apply to State Government, the University of Maine System, the
37   Maine Community College System or Maine Maritime Academy;

1   **SUMMARY**

2   This bill requires that notice of a security breach pursuant to the Notice of Risk to
3   Personal Data Act must be made no later than 30 days after discovery of the breach to
4   residents affected by the breach and must be made immediately to state regulators. The
5   bill also doubles the financial penalties for a civil violation.