



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1056

S.P. 425

In Senate, March 7, 2023

An Act Restricting State Assistance in Federal Collection of Personal Electronic Data and Metadata

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BRAKEY of Androscoggin.
Cosponsored by Representative BOYER of Poland and
Senators: GUERIN of Penobscot, TIPPING of Penobscot, Representatives: ANDREWS of
Paris, MORRIS of Turner, WHITE of Guilford.

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

2 **Sec. 1. 5 MRSA §60** is enacted to read:

3 **§60. Federal collection of electronic data or metadata**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Electronic data" means information related to an electronic communication or the
7 use of an electronic communication service, including the contents, sender, recipient
8 or format of an electronic communication, the precise or approximate location of the
9 sender or recipient of an electronic communication at any time during the electronic
10 communication, the time or date the electronic communication was created, sent or
11 received and the identity of a person or device involved in the electronic
12 communication, including an Internet protocol address.

13 B. "Metadata" means information generally not visible when a document created
14 electronically is printed describing the history, tracking or management of the
15 electronic document, including information about data in the electronic document that
16 describes how, when and by whom the data were collected, created, accessed or
17 modified and how the data are formatted.

18 **2. Prohibition on assistance to federal agencies.** A department, agency or political
19 subdivision of the State may not assist, participate with or provide material support or
20 resources to enable or facilitate a federal agency in the collection or use of a person's
21 electronic communications unless one or more of the following apply.

22 A. The person has given informed consent.

23 B. The collection or use of the electronic data or metadata is pursuant to a warrant,
24 based upon probable cause, that particularly describes the person, place or thing to be
25 searched or seized.

26 C. The collection or use of electronic data or metadata is in accordance with a legally
27 recognized exception to the federal warrant requirements.

28 **SUMMARY**

29 This bill restricts an agency, department or political subdivision of the State from
30 assisting, participating with or providing material support or resources to facilitate a federal
31 agency's collection or use of a person's electronic communications.