

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND AND FOURTEEN

—  
H.P. 838 - L.D. 1194

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

**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, cloud computing services that process and store student data and access to technology to students to further the educational missions of the institutions; and

**Whereas,** educational institutions' responsibilities include protecting the privacy, 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, cloud computing services that process and store student data and personal e-mail accounts;

4. Concerns of educational institutions, including public and private schools and postsecondary institutions, about social media, cloud computing services that process and store student data 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. Concerns of parents and educators about the processing and storing of student data by online service providers to kindergarten to 12th grade educational institutions in order to build information profiles on students and target online advertisements to students;

6. Laws and experiences in other states concerning social media, cloud computing services that process and store student data and personal e-mail privacy;

7. The application of federal law and regulations concerning social media, cloud computing services that process and store student data and personal e-mail privacy; and

8. How subpoena powers of governmental entities apply to social media, cloud computing services that process and store student data 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, cloud computing services that process and store student data and personal e-mail accounts of employees, applicants for employment, students and prospective students, as well as appropriate remedies for violations of restrictions; and be it further

**Sec. 5. Funding. Resolved:** That the committee shall seek funding contributions to fully fund the costs of the study. All funding is subject to approval by the Legislative Council in accordance with its policies. If sufficient contributions to fund the study have not been received within 30 days after the effective date of this resolve, no meetings are authorized and no expenses of any kind may be incurred or reimbursed; and be it further

**Sec. 6. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**LEGISLATURE**

**Study Commissions - Funding 0444**

Initiative: Provides an allocation to authorize the expenditure of contributions received to fund the costs of a study by the Joint Standing Committee on Judiciary.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	\$0	\$3,080
All Other	\$0	\$4,170
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	\$0	\$7,250

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