



STATE OF MAINE
DEPARTMENT OF PROFESSIONAL & FINANCIAL REGULATION
BUREAU OF INSURANCE



Janet T. Mills
Governor

Anne L. Head
DPFR Commissioner

Timothy N. Schott
Acting Superintendent

March 28, 2023

Senator Anne Carney, Senate Chair
Representative Matt Moonen, House Chair
Joint Standing Committee on Judiciary
100 State House Station
Augusta, ME 04333-0100

Re: L.D. 1056, An Act Restricting State Assistance in Federal Collection of Personal Electronic Data and Metadata

Dear Senator Bailey, Representative Perry, and Members of the Committee:

The purpose of this letter is to provide you with background information. This bill would prohibit, except under limited circumstances, state agencies from assisting federal agencies in collecting or using a person's electronic communications. The exceptions are if the person has consented, a warrant has been issued describing the person, place or thing to be searched or seized, or the use of electronic data or metadata is in accordance with a legally recognized exception to the federal warrant requirements.

The Superintendent of Insurance regulates the business of insurance in Maine. In that capacity, the Superintendent has entered into various MOUs with several Federal agencies, such as the Centers for Medicare and Medicaid Services (CMS), and with the National Association of Insurance Commissioners (NAIC)¹ covering information sharing related to joint investigation efforts. This bill would undercut those efforts by limiting what data the BOI may share. The bill might also make other federal and state enforcement agencies reluctant to renew or enter into new information sharing agreements with the Superintendent.

I hope this information is useful to the Committee. Please let me know if I can provide any further assistance.

Sincerely,

Timothy N. Schott
Acting Superintendent

¹ The NAIC is the standard setting membership organization of insurance regulators in the United States. The NAIC assists state insurance regulators, individually and collectively, in serving the public interest through protecting consumers and ensuring fair, competitive, and health insurance markets. See www.naic.org.