

The Honorable Anne Carney, Senate Chair  
The Honorable Amy Kuhn, House Chair  
Joint Committee on Judiciary  
Maine Legislature

May 5, 2025

Re: LD 1822 – the Maine Online Data Privacy Act

Dear Senator Carney, Representative Kuhn, and Distinguished Committee Members,

Thank you for the opportunity to comment on LD 1822, which would enact the Maine Online Data Privacy Act. While ACLI appreciates the inclusion of a safe harbor in Section 9604(1)(G) of the bill for insurance licensees, we respectfully request that you consider revising the exemption such that it would not subject insurers to unnecessary, complicated, and potentially harmful dual regulation.

ACLI is proud of the fact that the insurance industry has been and continues to be the conscientious and responsible guardian of customers' highly vulnerable personal information. Insurers collect and use personal information for the benefit of consumers and industry alike – to know and understand individuals for purposes of recommending appropriate products, effective risk management, compliance with a complex array of federal, state, and sector-specific laws and regulations, and perform other essential business functions such as underwriting applications, paying claims, providing customer service, combating fraud, and offering investment and retirement products. Personal information is also fundamental to insurers' ability to provide the innovative insurance and financial products that consumers seek. Our industry has judiciously managed consumers' confidential medical and financial personal information for decades.

Appropriately, insurers have long been subject to comprehensive federal and state privacy laws and regulations, including the GLBA, arguably one of the most comprehensive information privacy laws to date, the Maine Insurance Information and Privacy Protection Act (Title 24-A, Chapter 24), and the Maine Insurance Data Security Act (Title 24-A, Chapter 24-B). These existing federal and state requirements provide a complex, broad, and rigorous regulatory framework that requires our industry to protect the privacy, use, and security of customers' personal information. They reflect a critically important balance between consumers' legitimate privacy concerns and the proper use of personal information to the benefit of existing and prospective customers. ACLI members recognize their affirmative and continuing commitment to respect consumer privacy through transparency in the collection, use, and disclosure of personal information.

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The American Council of Life Insurers (ACLI) is the leading trade association driving public policy and advocacy on behalf of the life insurance industry. 90 million American families rely on the life insurance industry for financial protection and retirement security. ACLI's member companies are dedicated to protecting consumers' financial wellbeing through life insurance, annuities, retirement plans, long-term care insurance, disability income insurance, reinsurance, and dental, vision and other supplemental benefits. ACLI's 280 member companies represent 94 percent of industry assets in the United States.

The Bureau of Insurance properly and ably regulates insurance licensees and enforces all applicable laws and regulations, including those relating to consumer data privacy. The proposed safe harbor for insurance licensees in LD 1822 would subject them to dual regulation by the attorney general. The safe harbor may be read to provide the attorney general with the authority to determine whether an insurance licensee is “is in compliance with any applicable data security and data privacy requirements of Title 24-A” such that it is exempt from the Act. Whether an insurance licensee is compliant with Title 24-A is a determination properly made by the Bureau of Insurance.

ACLI respectfully requests that the Committee exempt any data, entity, or affiliate of an entity subject to the Gramm-Leach-Bliley Act from the scope of LD 1822. The GLBA serves as a critical safeguard for consumer privacy within the life insurance sector, emphasizing transparency, confidentiality, and security obligations. Its provisions, including clear privacy notices and robust data safeguards, underscore the protection of nonpublic personal information. An entity-level GLBA exemption would align Maine regulations with existing federal standards, promoting efficiency, cost-effectiveness, and a harmonized approach to consumer protection across federal and state financial service sectors and business operations.

If the Committee is not willing to exempt entities subject to the GLBA, then ACLI requests that the bill be revised to exempt any licensee under Title 24-A, section 2263, subsection 8.

Thank you for considering our comments. Please contact me with any questions you may have.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a horizontal line and a small flourish.

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