

# STATE PRIVACY & SECURITY COALITION

May 22, 2023

Senator Ann Carney  
Chair, Committee on Judiciary  
State House Room 438  
Augusta, ME 04333

Representative Matt Moonen  
Chair, Committee on Judiciary  
State House Room 438  
Augusta, ME 04333

**Re: Maine Privacy Bills (LDs 1705, 1902, 1973, 1977)**

Dear Chair Carney, Chair Moonen, and Members of the Committee,

The State Privacy & Security Coalition (SPSC), a coalition of over 30 companies and six trade associations, writes regarding the numerous privacy bills facing the legislature this session. Given the limited time left in 2023 to consider these complex issues, we would urge this committee to consider the bills in 2024. In our experience, these issues take time for stakeholders to work on and we believe that both Maine consumers and businesses will be best served by greater consideration of the legislation.

While several of the bills deal with specific categories of consumer data, such as biometric data or consumer health data, SPSC would urge this committee to consider a comprehensive approach in line with what 20% of states have adopted, including Connecticut and Colorado, that does not adopt a "sectoral" approach but instead regulates *all* types of consumer data and provides a sustainable framework to adapt to new technologies and issues that arise.

LD 1973 has the potential to reflect this approach. The bill significantly departs from every other state's comprehensive privacy law due to its opt-in, instead of opt-out, foundation and it is critical that this provision be fixed, but it broadly adopts the framework that other states and numerous stakeholders on all sides of the issue agree protects *all* consumer data while still imposing significant obligations on business.

In prior sessions, this legislature has considered biometric privacy legislation, modeled on an Illinois approach that is 15 years old, has not been adopted in a single state, and that would create significant cybersecurity risks for consumers in Maine. We believe this approach, reflected in LD 1705, should again be rejected in Maine.

We also have significant concerns about LD 1902, which purports to cover "consumer health data," but in reality would cover nearly all personal data. There has been significant concern over the scope of the bill as it was enacted in Washington state, in part because the broad scope of the bill means that truly sensitive data opt-in notifications will be overwhelmed by the notifications

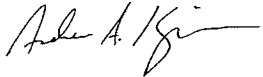
# STATE PRIVACY & SECURITY COALITION

for innocuous data collection and use that consumers expect. In other words, its overbreadth overwhelms the intent of the statute – an intent that industry broadly supports.

Lastly, SPSC notes that in addition to Connecticut, comprehensive proposals are making their way through legislatures in New Hampshire and Rhode Island as well. We think it makes eminent sense, given how closely intertwined the New England economies are and the significant interstate movement by consumers in the region, to adopt an approach that gives both consumers and businesses a common set of expectations.

Again, SPSC believes that these are important issues deserving of a thoughtful and deliberative stakeholder process. We request that this committee defer action on these bills until 2024.

Respectfully submitted,



Andrew A. Kingman  
Counsel, State Privacy & Security Coalition