

Senator Carney, Representative Moonen, and distinguished members of the Judiciary Committee:

My name is Myles Smith, and I am the Executive Director of the Maine Broadband Coalition (MBC), a non-profit organization dedicated to expanding broadband access and digital equity in Maine. We represent dozens of organizations and thousands of internet users.

We submit this testimony today **in support of LD 1977**. We submit this along with our previous testimony **in support of LD 1902 and LD 1705**, and **in opposition to LD 1973**. We support LD 1977 for several reasons:

1. Mainers expect far more control over our data than big tech will give us

According to the Pew Research Center, 81% of Americans believe that they lack control over data that companies collect, and that the risks of online tracking outweigh the benefits. And 72% of Americans say they benefit little or none from data collection about them. According to the same poll, “seven-in-ten or more say they are not too or not at all confident that companies will admit mistakes and take responsibility when they misuse or compromise data (79%), will be held accountable by government if they misuse data (75%), or will use customers’ data in ways that people would feel comfortable with (69%).” And I’m sure Mainers value privacy more than your average American. Maine’s internet users are begging you to take action.

2. LD 1977 sets the high standard for rights and enforcement

LD 1977 provides the same high opt-in that Maine included in its ISP privacy law in 2019, and it includes strong enforcement mechanisms to ensure that its protections are actually meaningful for Mainers. The bill you consider today is based on a federal proposal with bipartisan support, and the apparent support of the tech industry via TechNet. This law also includes a private right of action, which was used last year in California against an ed tech company that was collecting and selling childrens’ data to third parties. A study by Internet Safety Labs found 96% of apps used by schools are doing just that.

3. We should build on our successful 2019 ISP privacy law

Our Coalition includes a number of Maine-based Internet Service Providers (ISPs) that worked hard to support Maine's ISP privacy law, which gives Mainers the right to opt-in to any sale or use of their data. Our ISP members, who were not in the business of profiting off their customer's data anyway, supported that law and wonder why we would back away from the progress we have made. The National Association of Attorneys General hailed it as a win for Maine consumers when the opponents of that bill dropped their case and reimbursed the state for our costs in defending it.

4. Opponents of LD 1977 are using the same tired scare tactics

Opponents, most of whom are here again today, will probably make the same arguments they made in 2019 to scare us out of taking action. The Maine Chamber of Commerce claimed that the law could end online advertising for Maine businesses. The State Privacy and Security Coalition claimed the ISP privacy law could lead to "serious disruptions in internet service". US Telecom claimed it was unlawful, to be preempted by the weak regulatory regime they themselves had lobbied the FCC to adopt in 2017. TechNet claimed the single-state regulatory regime would lead to significant diversion of investment away from Maine.

None of this turned out to be correct. And, just this year, we've seen over \$100 million in announced new investment in broadband infrastructure by companies who made these spurious arguments. Now they're back, with the same arguments again.

Keep pushing to protect our privacy

We know Maine can do better to protect our privacy. We already have a strong foundation in law, let's apply that same standard to all data miners. The opponents will tell you to wait for Congress to act - but we can get their first, with the very proposal that Congress is considering and demonstrate to the whole country how to lead on our privacy. You will be celebrated for your leadership. We appreciate your effort and those of the sponsors of these bills to tackle this issue. We have met with the proponents of LD 1973, and will continue discussions on any bills that advance Mainers' privacy.