May 5, 2025

Hon. Anne Carney, Senate Chair
Hon. Amy Kuhn, House Chair
Joint Standing Committee on Judiciary
100 State House Station
Augusta, Maine 04333-0100

**RE:    LD 1822, An Act to Enact the Maine Online Data Privacy Act (Rep. Kuhn)**

Dear Senator Carney, Representative Kuhn, and members of the Judiciary Committee:

L.L.Bean appreciates the opportunity to provide testimony regarding L.D. 1822. The company has been working internally on data privacy for several years, and since 2020 have voluntarily extended privacy protections to all our customers, regardless of their home state. Maine citizens deserve to have the same data privacy protections enjoyed by residents of other states, regardless of which businesses they choose to engage with.

We appreciate the time and effort Representative Kuhn and the cosponsors have dedicated to this privacy bill. We support most of the bill as it aligns with current privacy laws or aligns with L.L.Bean's current practices. Our concerns are few, but significant. We would like to provide some feedback regarding our primary concern - the data minimization section.

Like most consumer businesses in 2025, L.L.Bean collects Personal Data from and about consumers even when they have not directly requested a product or service. For example, a cookie (or other identifier) may be placed that tracks a consumer's browsing history, allowing us to later serve advertisements tailored to their interests. If "service" is meant to be defined broadly to include offering a website, and personal data may be collected based on a visit to the website, we believe the language should be modified to make such intent clear.

The Maine Legislature can now benefit from the experiences of other states that enacted privacy legislation in recent years. We now know that the existing models work. Privacy laws in states like Connecticut, Colorado, and Virginia are effectively protecting consumers. For example, the Texas Attorney General sued Allstate under the Texas Privacy and Security Act for practices that legislators are aiming to protect consumers against. In contrast, the "Maryland model" on which L.D. 1822's data minimization standard is based is an outlier, and importantly, remains untested since Maryland's law is not yet effective. L.L.Bean is concerned that this heightened data minimization standard puts Maine businesses in jeopardy and goes beyond what is necessary to protect Mainers.

Customer data enables businesses to create relevant ads and deliver them to individuals who are most likely to find them helpful. In 2025, personalization is an expected and appreciated service for many consumers. For those who are not interested in this service, they have choices under other states' privacy laws. They can opt-out of targeted advertising, use Global Privacy Control, or block cookies to manage their preferences.

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L.D. 1822's data minimization standard effectively bans the vast majority of personalized, targeted advertising. For L.L.Bean, this more restrictive language puts us at a competitive disadvantage to our out-of-state competitors. Not surprisingly, our company relies on sales to Maine resident-customers far more than our competitors do. For that reason, hamstringing our ability to market to these valuable customers will have an outsized impact on L.L.Bean versus our competitors, for whom marketing to Mainers is an afterthought. Moreover, these restrictions are being proposed at a historically challenging time for Maine retailers. The ongoing retreat of Canadian customers from U.S. businesses, coupled with the increased costs associated with new universal (and threatened reciprocal) tariffs, is squeezing marketing budgets. That means that the marketing investments we do make have to be efficient. Personalized, targeted ads are among our most efficient marketing investments.

L.L.Bean appreciates the opportunity to provide this information to the Committee and is happy to serve as a resource for any future questions or discussions regarding privacy. Our goal is to support Maine's legislators in passing a successful privacy bill in our home state.

Sincerely,

*Christiana van Voorhees*

Christy van Voorhees
Legal Counsel
Co-Chair, L.L.Bean's Data Privacy Program

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