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Testimony in support:

LD 1822, "An Act to Enact the Maine Online Data Privacy Act"

Testimony in opposition:

LD 1088, "An Act to Enact the Maine Consumer Data Privacy Act"

LD 1224, "An Act to Comprehensively Protect Consumer Privacy" and

LD 1284, "An Act to Repeal Provisions of Law Governing the Privacy of Broadband Internet Customer Personal Information"

Joint Standing Committee on Judiciary

May 5, 2025

Senator Carney, Representative Kuhn and members of the Joint Standing Committee on Judiciary, my name is Laura Harper. I'm a senior associate at Moose Ridge Associates and I live in Hallowell. I am here today on behalf of my client, Maine Family Planning (MFP) to speak in support of LD 1822, "An Act to Enact the Maine Online Data Privacy Act" and against LD 1088, "An Act to Enact the Maine Consumer Data Privacy Act," LD 1224, "An Act to Comprehensively Protect Consumer Privacy" and LD 1284, "An Act to Repeal Provisions of Law Governing the Privacy of Broadband Internet Customer Personal Information."

MFP provides comprehensive sexual and reproductive health care to teens and adults at 19 locations statewide. Our mission is to ensure that all people have access to high-quality, culturally relevant and affordable sexual and reproductive health care services, comprehensive sexual health education, and the right to control their sexual and reproductive lives. One of the cornerstones to maintaining this access is protecting our patients' privacy, including their electronic data.

One doesn't need to look far to discover the latest attack on people's reproductive privacy. Most recently, our health centers have been under the threat of a Federal investigation for supposed civil rights violations inextricably connected to our mission to provide unbiased, evidence-based care to every patient who seeks our services, regardless of their immigration status, gender identity, race, or sexual orientation. This unproven Federal allegation has served as a groundless pretext for the Federal authorities to freeze our Title X funding, a long-standing investment in public health and family planning services by the U.S. government. Now more than ever, we need Maine law to provide the most comprehensive protection for our providers and patients. LD 1822 provides important tools so that our doors remain open and patients can access the life saving healthcare we've provided for over 50 years, free of government intrusions and/or corporate surveillance.

For example, some of our patients find menstrual cycle apps helpful to monitor their menstruation. These apps collect deeply personal, sensitive data on when a person has their period, when they are ovulating, if and when they may experience pre-menstrual syndrome and other information. Most consumers assume that this data is kept private and covered under HIPPA protections; instead they are at the whim of the privacy policies set by the app vendors. Without the protections in LD 1822, our patients fear their menstrual data and information regarding pregnancy and abortion care could be sold. We hear from our patients that many are already afraid to use these apps for fear of legal action in states where abortion and other sexual and reproductive health care is banned. LD 1822 will help to strengthen Maine's Shield Law, ensuring that all people can safely access abortion care here in Maine without fear. This bill would also help to eliminate fears of being geolocated while accessing lifesaving healthcare. In short, more data privacy equals better access to healthcare.¹

Of the four bills before you, LD 1822 is the only one that categorically prohibits collection of personal data. In contrast, LDs 1088 and 1224 would allow collection of sensitive data as long as the consumer clicks "I agree."² Most of us click "I agree" without a second thought, so these bills would not provide any meaningful protections for a majority of Maine people.

For these reasons and more, we oppose LDs 1088, 1224, and 1284; these bills lack the consumer protections our patients and providers need to safely access sexual and reproductive health services while keeping their personal data private.

In closing, we ask you to please vote LD 1822, "ought to pass" and to oppose LDs 1088, 1224 and 1284. Thank you for your attention and I'm happy to try to answer any questions you may have.

¹ LD 1088 also contains an anti-geofencing provision, but its data minimization provision would allow any collection or use of data as long as it is disclosed in a privacy policy. See LD 1088, p. 10, lines 7-20.

² See LD 1088, p. 10-11; LD 1224, p. 10.