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RE: Testimony before the Maine legislature concerning LD-1284

May 5, 2025

In 2019 we, along with more than half a dozen national public interest and civil rights groups, wrote to this legislature and Governor Mills expressing our serious concerns over the passage of Maine's broadband provider privacy law. We are entering those two letters into the record here today because the reservations we expressed in 2019 are just as true today. We therefore urge you to pass LD 1284 to repeal that law and enact comprehensive privacy legislation that protects consumers consistently across all services and platforms.

As we wrote at the time, the law's narrow focus on broadband providers alone not only leaves critical gaps in privacy protections deserved by all citizens, but it also risks affirmatively harming consumer privacy by leading individuals to wrongly believe that their online personal information is being safeguarded. Unfortunately, those critical gaps remain six years later.

ISPs are only one part of an expansive and increasingly interconnected ecosystem, in which individuals' personal information is in dire need of protection. Other parts of that ecosystem include search engines, social media networks, online retailers, data brokers, and countless websites. Unlike ISPs, the lifeblood that supports many of these other companies is consumers' personal information. And yet these other companies are the very entities from which Maine's current law fails to protect consumers. Maine should address this gap by adopting comprehensive privacy legislation.

At the same time, Maine should support consumers by streamlining its privacy laws. Repealing its existing law imposing privacy restrictions exclusively on ISPs and bringing them under the same comprehensive privacy law as every other company that handles consumer data will only benefit consumers. Consistency cures confusion. And just like a privacy law is confusing for consumers when it applies to only some entities, but not others, so too is leaving two privacy laws in place, with different use restrictions, consent obligations, and consumer rights. Consumers should not have the burden to differentiate between which privacy restrictions apply to which online entities depending on where they go on the internet. This is especially true when it is the same data being handled by all of these entities.

Marginalized Americans are particularly vulnerable to the damages caused by the mishandling of their personal information. This includes something as individually devastating as identity theft, from which lower-income Americans often lack the financial resources to recover. It also includes the communally destructive misuse of personal information in ways that lead to algorithmic bias and discrimination.

Consumers need clear rules that apply uniformly to all entities and consistently across state borders. For these reasons we urge you to pass LD 1284 and replace it with a comprehensive privacy law.

Respectfully submitted,

Kenley Joseph, Tech & Telecom Policy Counsel, MMTC