



April 9, 2018

To: Members of the Maine Senate
Re: Reject LD 1610

Dear Senator,

On behalf of Americans for Tax Reform, The Maine Heritage Policy Center, and our supporters across Maine, **we urge you to reject LD 1610, legislation that would implement a so-called internet “privacy” law.** While intentions for this misguided bill may be good, in reality, **state level privacy regulations are bad policy and would inflict a great deal of harm on consumers and taxpayers.**

Contrary to claims made by the Left, internet service providers (ISPs) actively protect consumers’ private information. **There is a market incentive to do so, as violating one’s privacy would deter customers, and federal laws in place that require all actors in the communications space to guard personal information.** The status quo allows bad actors to be punished by Federal Trade Commission (FTC) and state Attorneys General, while still promoting competition and innovation in the industry.

LD 1610, on the other hand, would do neither. **This misguided “privacy” rule would zero in on who holds consumer data rather than the data type, applying onerous and costly regulations to ISPs only.** Admittedly, this is a pretty bizarre approach to take if protecting one’s privacy is the intent. Compared to individual websites, for example, ISPs see far less of what you do online. That is because over 70% of websites use https encryption. An ISP can only see which website you visit, not what you do on the websites. ISPs do not know your movie preferences, product purchases, email content, or anything of the like.

In light of these truths, state level privacy laws such as LD 1610 are completely unnecessary. In fact, they would be a huge mistake. The costs and consequences of complying with a patchwork of many state privacy laws throughout the country would make it much more difficult for ISPs to maintain and expand their services, and invest in the next generation of broadband. **Consequently, LD 1610 would leave Mainers with fewer choices, outmoded technology, and an overall lower quality of internet.**

In addition to harming consumers, **LD 1610 is also likely to result in negative consequences for taxpayers in Maine.** State legislation or executive orders that attempt to regulate privacy through procurement or contracts violate federal law preempting

state interference with interstate commerce. As such, **LD 1610 would likely result in millions of hard-earned taxpayer dollars being wasted on costly legal challenges.**

If implemented, **LD 1610 would stifle innovation and allow government to pick winners and losers in the communications space, while doing nothing to improve consumer privacy. As such, we oppose LD 1610 and urge lawmakers to vote NO.**

Sincerely,

Grover Norquist
President
Americans for Tax Reform

Matthew Gagnon
Chief Executive Officer
The Maine Heritage Policy Center