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October 8, 2009

Hon. Larry Bliss, Senate Chair
Hon. Charles Priest, House Chair
Joint Standing Committee on Judiciary
c/o Office of Policy and Legal Analysis
Maine State Legislature
13 State House Station
Augusta, ME 04333

Dear Senator Bliss, Representative Priest, and Distinguished Members of the Joint Standing Committee on Judiciary:

Thank you for the opportunity to share the Finance Authority of Maine's (FAME's) concerns regarding certain issues raised by Public Law 2009, Chapter 230, *An Act to Prevent Predatory Marketing Practices Against Minors*.

First, our input in no way should be taken as criticism of the original bill's intentions or the motives of its sponsor and co-sponsors. As an agency that works closely with Maine youth and their families on college savings and higher educational aspirations, we take seriously the policy concerns surrounding predatory marketing and do not wish to minimize the law's attempt to protect minors' personal information and privacy.

That being said, FAME does wish to share some limited concerns regarding the new law's likely effects on our educational programs and outreach services. Because of the law's broad scope in banning both the unlawful collection and sharing of minors' personal information without first obtaining verifiable parental consent, as well as its prohibition on using such information in marketing products and services or promoting *any* course of action related thereto, a variety of current and future valuable FAME activities would be seriously curtailed or even eliminated.

Significant educational outreach services provided by FAME at no cost to Maine students and families would be jeopardized if the current law were to go forward unchanged. This information pertains to college aspirations and how to pay for higher education. Examples of current FAME services that might need to be discontinued include:

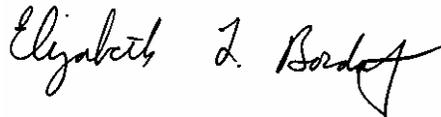
- Mailing of the popular, comprehensive booklet, *Financial Aid Tool Kit*, to all Maine high school seniors;
- Mailing *College Goal Sunday* informational postcards to all Maine high school seniors. This annual event sponsored by FAME helps students and families complete the Free

- Application for Federal Student Aid or FAFSA at numerous sites statewide;
- Communicating with Maine students via e-mail who have signed-up to obtain information about *College Goal Sunday*;
 - Collecting or transmitting information obtained from attendees at *College Goal Sunday* events. Information is reported back to the grant funder (in aggregate, not by student) so that they may analyze the program. Without such information, program funds may be jeopardized;
 - Administering the GEAR UP grant. FAME exchanges information gathered from student participants with the Maine Support Network, the nonprofit entity that contracts to provide services to the Maine Department of Education.

The above list is illustrative and not exhaustive, and obviously does not take into account future services and opportunities that may never be undertaken in view of the new law.

Again, we appreciate this opportunity to have input regarding the new law's implications for Maine students and FAME and would be happy to answer any questions or provide further information.

Very truly yours,

A handwritten signature in black ink that reads "Elizabeth L. Bordowitz". The signature is written in a cursive, flowing style.

Elizabeth L. Bordowitz
Chief Executive Officer