

# MAINE STATE LEGISLATURE

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June 29, 1973

David E. Smith, Director

Central Computer Services

George C. West, Deputy

Attorney General

I have your memo of June 28 in which you state that the Data Processing Center has had several requests for the use of computer time by agencies that are not in State Government but are associated with State Government. You ask if you could provide services to these agencies and ask if there are any statutory regulations that prohibit the agency from providing this service. The data processing service is set up under Title 5 § 1541 sub-§ 12. This was enacted by Private and Special Laws 1969, Chapter 251, Section C. It reads as follows:

"Central data processing service. To establish and conduct central data processing and information services at the seat of government. Such services shall be available to all departments and agencies of government. The State Controller is empowered to make appropriate charges to those departments and agencies of government making use of the equipment, services, personnel and supplies of the central facility.

"All departments and agencies shall consult with the State Controller regarding any data processing services. The State Controller may ask that a formal proposal be prepared. If funds are available, the State Controller may employ or engage such outside technical or professional personnel as may be necessary or appropriate."

You will note that the services are available to all departments and agencies of government. The only question that we have to determine is whether or not a particular organization is an agency of government. Of the two which you mention, the State Housing Authority, by Title 30, § 4601-A, is a "public body corporate and politic and an instrumentality of the State." The Maine Credit Union is not an instrumentality or agency of the State.

David E. Smith

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June 29, 1973

It seems obvious from the above-noted statute that your activities can only be confined to State departments and agencies of government. I find no authority by which you can sell the services of central data processing to any organization not an agency of the State Government.

George C. West  
Deputy Attorney General

GCW:H