

MAINE STATE LEGISLATURE

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April 15, 1976

Samuel S. Silsby, State Archivist

Maine State Archives

Robert J. Stolt, Assistant

Attorney General

Computer Output Microfilm Services

This will respond to your memorandum regarding the above-referenced subject in which you ask "whether the State of Maine and Central Maine Power Company, a regulated public utility whose principal business is the generation, distribution and sale of electrical power, may lawfully enter into an arrangement whereby Central Maine Power Company would provide the state computer output microfilm services for all categories and classifications of State records on a cost-sharing basis?"

I understand the facts to be as follows:

The computer output microfilm arrangement between the State of Maine and Central Maine Power Company is a reflection of the needs of each party.

The State's motivation for seeking computer output microfilm services is that the cost of "in-house" equipment presently exceeds the State's needs. However, as the State's projected volumes increase, so will the justification for "in-house" equipment.

Central Maine Power Company, on the other hand, has been able to justify the purchase of computer output microfilm equipment, but, as yet, does not have a sufficient projected volume to demand use of the equipment fulltime.

There is presently no other source of computer output microfilm services available to the State.

Central Maine Power Company is willing to accommodate the State's needs on a time and cost-sharing basis. This arrangement provides microfilm services to the State at the cost of reproduction. Central Maine Power Company will receive no commission or profit. It will not be in competition with any company offering computer output microfilm services, as no company offers such services in the greater Augusta area. Central Maine Power Company will provide these services to the State only as long as it has excess time available on its computer output microfilm recorder/processor.

On the basis of the foregoing, I conclude that the State of Maine and Central Maine Power Company, a regulated public utility, may lawfully enter into an arrangement whereby Central Maine Power Company will provide the State with computer microfilm services for all

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categories and classifications of State records on a cost-sharing basis. This opinion is not altered by those instances where the records involved are of a confidential nature or contain proprietary information, because the recorder/processor used to produce the microfilm does not have a memory. Hence, confidentiality of State records can be sufficiently maintained by inserting well defined security provisions which provide for State monitoring of the microfiche reproduction process in the COM services agreement. Although I have found no legal bar in Title 35 M.R.S.A. to Central Maine Power Company's ability to provide the described COM services to the State, section 211 (35 M.R.S.A.) would require Public Utility Commission approval of this arrangement if it will in any way encumber Central Maine Power Company's use of the computer output microfilm recorder/processor.

Robert J. Stolt
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RJS:mfe