

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

# STATE OF MAINE

COMPUTER SERVICES  
5 MRSAS 1852-8

Inter-Departmental Memorandum Date October 13, 1976

Stephen W. Locke, Sr., Director

Dept. Central Computer Services

From S. Kirk Studstrup, Assistant

Dept. Attorney General

Subject Schedule of Charges for Computer Services

We have reviewed our opinion of August 12, 1976, concerning the reference subject, as requested in your memorandum of September 14, 1976. You included with your memorandum a copy of the "Report of the Committee on State Government on its Study of the Organization of State Data Processing," dated December 18, 1974, and other pertinent material. On the basis of these additional materials, which were not immediately available to this Office at the time of the prior opinion, we believe that there is sufficient grounds to modify our previous opinion.

The opinion of August 12, 1976, was based solely upon the language of the statute, since there was no legislative history of record to indicate any special legislative intent. The "legislative history of record" which was reviewed at that time consisted of the legislative document which set forth the new chapter 157 of Title 5 M.R.S.A., and the Legislative Record of the session during which the Legislature enacted this chapter. A committee report is indicative of the intent of the members of that committee, though not necessarily the intent of the entire Legislature. However, in the present case, we believe that there are certain factors evident from the entire legislative history of the enactment which would justify a modification of our prior opinion, even though such modification would not be necessarily compelled by the additional material you have provided to us.

Page 18 of the Committee Report contains a comment which indicates that the Bureau "... will be financed primarily through service charges deposited in an intra-governmental service fund account. . . ." Other comments found throughout the report indicate, without specifically stating, that service charges will constitute the major part of the Bureau's available funding. It is important to note that the recommended legislation contained in the report is identical to P.L. 1975, Chapter 322, which creates a stronger inference that the intent of the entire Legislature paralleled that of the Committee. In light of the foregoing, we believe there is sufficient new information to justify amendment of our previous opinion to the extent that the cost of such general Bureau activities as approving data processing services and systems, reviewing positions for data processing personnel, formulating a state master plan, and developing standards may be included in determination of "appropriate charges" for services to State agencies. These activities may be funded by the service charges by way of the intra-governmental service fund account.

2  
Stephen W. Locke, Sr., Director

Page 2

October 13, 1976

However, this opinion and our preceding one do indicate that this question is not clearly answered within the words of the statute, and you may wish to propose some clarification to avoid similar questions in the future.

---

S. KIRK STUDSTRUP  
Assistant Attorney General

SKS:mfe