

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 36

6
7 H.P. 34

House of Representatives, January 9, 1985

8 Reference to the Committee on Judiciary suggested and ordered printed.

9 EDWIN H. PERT, Clerk

10 Presented by Representative Paradis of Old Town.

Cosponsored by Representative Murray of Bangor, Senator Tuttle of
York and Representative Kimball of Buxton.

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12 STATE OF MAINE
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14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT Concerning Computer Access
18 and Computer-related Crimes.
19

20 Be it enacted by the People of the State of Maine as
21 follows:

22 17-A MRSA c. 16 is enacted to read:

23 CHAPTER 16

24 COMPUTER-RELATED CRIMES

25 §381. Definitions

26 As used in this chapter, unless the context indi-
27 cates otherwise, the following terms have the follow-
28 ing meanings.

29 1. Access. "Access" means to approach, in-
30 struct, communicate with, store data in, receive data
31 from or otherwise make use of any resources of a com-
32 puter, computer system or computer network.

1 2. Computer. "Computer" means an internally
2 programmed, automatic device that performs data pro-
3 cessing.

4 3. Computer network. "Computer network" means a
5 set of related, remotely connected devices and commu-
6 nication facilities, including more than one computer
7 system, with capability to transmit data among them
8 through communication facilities.

9 4. Computer program. "Computer program" means
10 an ordered set of data representing coded instruc-
11 tions or statements that when executed by a computer
12 cause the computer to process data.

13 5. Computer software. "Computer software" means
14 a set of computer programs, procedures and associated
15 documentation used in the operation of a computer
16 system.

17 6. Computer system. "Computer system" means a
18 set of related, connected or unconnected, computer
19 equipment, devices and software.

20 7. Computer system services. "Computer system
21 services" means providing a computer system or com-
22 puter network to perform useful work.

23 8. Data. "Data" means a representation of in-
24 formation, knowledge, facts, concepts or instructions
25 that has been prepared or is being prepared in a
26 formalized manner and has been processed, is being
27 processed or is intended to be processed in a comput-
28 er system or computer network. Data may be in any
29 form, including computer printouts, magnetic storage
30 media, punched cards and as stored in the memory of
31 the computer.

32 9. Financial instrument. "Financial instrument"
33 means any check, draft, money order, certificate of
34 deposit, letter of credit, bill of exchange, credit
35 card or marketable security.

36 10. Intellectual property. "Intellectual prop-
37 erty" means data, including programs.

1 11. Property. "Property" means anything of val-
2 ue, including, but not limited to, financial instru-
3 ments, information, including electronically produced
4 data and computer software programs in either ma-
5 chine-readable or human-readable form, and any other
6 tangible or intangible item of value.

7 §382. Unauthorized interference with intellectual
8 property

9 1. A person is guilty of unauthorized interfer-
10 ence with intellectual property if he intentionally
11 or knowingly commits any of the following acts with-
12 out authorization:

13 A. Modifies or destroys data, programs or sup-
14 porting documentation residing or existing inter-
15 nal or external to a computer, computer system or
16 computer network; or

17 B. Discloses or takes data, programs or support-
18 ing documentation which is a trade secret, as de-
19 fined in section 352, or is confidential as pro-
20 vided by law, residing or existing internal or
21 external to a computer, computer system or com-
22 puter network.

23 2. Unauthorized interference with intellectual
24 property is a Class D crime, except that:

25 A. If the crime is committed for the purpose of
26 devising or executing any scheme or artifice to
27 defraud or to obtain any property, it is a Class
28 C crime.

29 §383. Unauthorized interference with computer equip-
30 ment or supplies

31 1. A person is guilty of unauthorized interfer-
32 ence with computer equipment or supplies if he inten-
33 tionally or knowingly commits any of the following
34 acts without authorization:

35 A. Modifies, destroys, takes, injures or damages
36 equipment or supplies used or intended to be used
37 in a computer, computer system or computer net-
38 work; or

1 B. Destroys, injures or damages any computer,
2 computer system or computer network.

3 2. Unauthorized interference with computer
4 equipment or supplies is a Class E crime, except
5 that:

6 A. If the damage done to the computer equipment
7 or supplies or to the computer, computer system
8 or computer network is greater than \$200 but less
9 than \$1,000 or the crime is committed for the
10 purpose of devising or executing any scheme or
11 artifice to defraud or to obtain any property, it
12 is a Class D crime; and

13 B. If the damage done to the computer equipment
14 or supplies or to the computer, computer system
15 or computer network is \$1,000 or greater or if
16 there is an interruption or impairment of govern-
17 mental operation or public communication, trans-
18 portation or supply of water, gas or other public
19 service, it is a Class C crime.

20 §384. Unauthorized interference with computer use

21 1. A person is guilty of unauthorized interfer-
22 ence with computer use if he intentionally commits
23 any of the following acts without authorization:

24 A. Accesses, or causes to be accessed, any com-
25 puter, computer system or computer network; or

26 B. Denies, or causes the denial of, computer
27 system services to an authorized user of those
28 services which, in whole or in part, is owned by,
29 under contract to or operated for, on behalf of
30 or in conjunction with, another.

31 2. Unauthorized interference with computer use
32 is a Class D crime, except that:

33 A. If the crime is committed for the purpose of
34 devising or executing any scheme or artifice to
35 defraud or to obtain any property, it is a Class
36 C crime.

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STATEMENT OF FACT

The purpose of this bill is to prohibit certain types of computer-related crime and to provide penalties for these types of computer-related crime. At least 23 other states have recently enacted similar legislation. The penalties provided for computer-related crimes are as follows.

1. Unauthorized interference with intellectual property is a Class D crime, punishable by imprisonment for less than 1 year and a fine not to exceed \$1,000 if the defendant is an individual or \$5,000 if the defendant is an organization; except that if the purpose of the crime is to defraud or obtain property, it is a Class C crime punishable by imprisonment not to exceed 5 years and a fine not to exceed \$2,500 if the defendant is an individual or \$10,000 if the defendant is an organization.

2. Unauthorized interference with computer equipment or supplies is a Class E crime, punishable by imprisonment not to exceed 6 months and a fine not to exceed \$500 if the defendant is an individual or \$5,000 if the defendant is an organization. If the purpose of the crime is to defraud or obtain property or if damages are greater than \$200 but less than \$1,000 it is a Class D crime punishable by imprisonment for less than 1 year and a fine not to exceed \$1,000 if the defendant is an individual or \$5,000 if the defendant is an organization; and if damages are \$1,000 or greater or if there is an interruption or impairment of governmental operation or public service, it is a Class C crime punishable by imprisonment not to exceed 5 years and a fine not to exceed \$2,500 if the defendant is an individual or \$10,000 if the defendant is an organization.

3. Unauthorized interference with computer use is a Class D crime, punishable by imprisonment for less than 1 year and a fine not to exceed \$1,000 if the defendant is an individual or \$5,000 if the defendant is an organization; except that if the purpose of the crime is to defraud or obtain property, it is a Class C crime punishable by imprisonment not to exceed 5 years and a fine not to exceed \$2,500 if

1 the defendant is an individual or \$10,000 if the de-
2 fendant is an organization.

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