

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1267

6
7 S.P. 464

In Senate, April 9, 1985

8 Submitted by the Department of Public Safety pursuant to Joint Rule 24.
9 Reference to the Committee on Legal Affairs suggested and ordered
10 printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Chalmers of Knox.

11 Cosponsored by Representative Allen of Washington, Representative
Cooper of Windham and Representative Drinkwater of Belfast.

12 STATE OF MAINE
13

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

17 AN ACT Concerning Computer Fraud and Abuse.
18

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

21 Sec. 1. 17-A MRSA §352, sub-§1, ¶D, as enacted
22 by PL 1975, c. 499, §1, is amended to read:

23 D. Written instruments, including credit cards,
24 or other writings, in whatever medium or form
25 maintained, representing or embodying rights con-
26 cerning real or personal property, labor, ser-
27 vices or otherwise containing anything of value
28 to the owner;

29 Sec. 2. 17-A MRSA §360, sub-§1, ¶A-1 is enacted
30 to read:

31 A-1. Knowing that he does not have the consent
32 of the owner, he takes or exercises control over
33 writings, in whatever medium or form maintained,
34 or knowing that such writing has been so wrong-

1 fully obtained, he knowingly possesses it;

2 STATEMENT OF FACT

3 The purpose of this bill is to make it clear that
4 persons who exercise control over or knowingly pos-
5 sess writings which may be maintained in electronic
6 storage devices such as computer disks or other media
7 may now be prosecuted for a form of theft by unautho-
8 rized use, a Class D crime. For example, a person
9 who is not authorized who managed to gain access to a
10 police department's records storage system and who
11 obtained an electronically stored copy of a report or
12 other writing, would be guilty under this section.
13 By way of comparison, a person who broke into a po-
14 lice department and took a police report which was
15 printed on paper, could be charged with burglary.
16 This bill recognizes the need to protect against un-
17 authorized access to writings which are electronical-
18 ly or otherwise stored.

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