

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND THIRTEENTH LEGISLATURE
4

5 Legislative Document

NO. 58
6

7 H.P. 55 House of Representatives, January 26, 1987
8 Reference to the Committee on Judiciary suggested and
ordered printed.

9 EDWIN H. PERT, Clerk
Presented by Representative Paradis of Old Town.

10 Cosponsored by Representative Kimball of Buxton and
Senator Whitmore of Androscoggin.

11
12 STATE OF MAINE
13

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

17 AN ACT Concerning Computer Access and
18 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.

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

5 2. Computer. "Computer" means an internally
6 programmed, automatic device that performs data pro-
7 cessing.

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

13 4. Computer program. "Computer program" means
14 an ordered set of data representing coded instruc-
15 tions or statements that when executed by a computer
16 cause the computer to process data.

17 5. Computer software. "Computer software" means
18 a set of computer programs, procedures and associated
19 documentation used in the operation of a computer
20 system.

21 6. Computer system. "Computer system" means a
22 set of related, connected or unconnected, computer
23 equipment, devices and software.

24 7. Computer system services. "Computer system
25 services" means providing a computer system or com-
26 puter network to perform useful work.

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

36 9. Financial instrument. "Financial instrument"
37 means any check, draft, money order, certificate of
38 deposit, letter of credit, bill of exchange, credit
39 card or marketable security.

1 10. Intellectual property. "Intellectual prop-
2 erty" means data, including programs.

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

9 §382. Unauthorized interference with intellectual
10 property

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

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

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

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

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

31 §383. Unauthorized interference with computer equip-
32 ment or supplies

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

1 A. Modifies, destroys, takes, injures or damages
2 equipment or supplies used or intended to be used
3 in a computer, computer system or computer net-
4 work; or

5 B. Destroys, injures or damages any computer,
6 computer system or computer network.

7 2. Unauthorized interference with computer
8 equipment or supplies is a Class E crime, except
9 that:

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

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

24 §384. Unauthorized interference with computer use

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

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

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

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

1 A. If the crime is committed for the purpose of
2 devising or executing any scheme or artifice to
3 defraud or to obtain any property, it is a Class
4 C crime.

5 STATEMENT OF FACT

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

12 1. Unauthorized interference with intellectual
13 property is a Class D crime, punishable by imprison-
14 ment for less than 1 year and a fine not to exceed
15 \$1,000 if the defendant is an individual or \$5,000 if
16 the defendant is an organization; except that if the
17 purpose of the crime is to defraud or obtain proper-
18 ty, it is a Class C crime punishable by imprison-
19 ment not to exceed 5 years and a fine not to exceed \$2,500
20 if the defendant is an individual or \$10,000 if the
21 defendant is an organization.

22 2. Unauthorized interference with computer
23 equipment or supplies is a Class E crime, punishable
24 by imprisonment not to exceed 6 months and a fine not
25 to exceed \$500 if the defendant is an individual or
26 \$5,000 if the defendant is an organization. If the
27 purpose of the crime is to defraud or obtain property
28 or if damages are greater than \$200 but less than
29 \$1,000 it is a Class D crime punishable by imprison-
30 ment for less than 1 year and a fine not to exceed
31 \$1,000 if the defendant is an individual or \$5,000 if
32 the defendant is an organization; and if damages are
33 \$1,000 or greater or if there is an interruption or
34 impairment of governmental operation or public ser-
35 vice, it is a Class C crime punishable by imprison-
36 ment not to exceed 5 years and a fine not to exceed
37 \$2,500 if the defendant is an individual or \$10,000
38 if the defendant is an organization.

39 3. Unauthorized interference with computer use
40 is a Class D crime, punishable by imprisonment for
41 less than 1 year and a fine not to exceed \$1,000 if

1 the defendant is an individual or \$5,000 if the de-
2 fendant is an organization; except that if the pur-
3 pose of the crime is to defraud or obtain property,
4 it is a Class C crime punishable by imprisonment not
5 to exceed 5 years and a fine not to exceed \$2,500 if
6 the defendant is an individual or \$10,000 if the de-
7 fendant is an organization.

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