

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 627

H.P. 462

House of Representatives, March 6, 1989

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative PARADIS of Old Town.

Cosponsored by Representative GARLAND of Bangor, Representative ALLEN of Washington and Senator BALDACCI of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act Relating to Computer Access.



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

3 17-A MRSA c. 16 is enacted to read:

5 CHAPTER 16

7 COMPUTER-RELATED CRIMES

9 §381. Definitions

11 As used in this chapter, unless the context indicates
13 otherwise, the following terms have the following meanings.

15 1. "Access" means to approach, instruct, communicate with,
17 store data in, receive data from or otherwise make use of any
19 resources of a computer, computer system or computer network.

21 2. "Computer" means an internally programmed, automatic
23 device that performs data processing.

25 3. "Computer network" means a set of related, remotely
27 connected devices and communication facilities, including more
29 than one computer system, with capability to transmit data among
31 them through communication facilities.

33 4. "Computer program" means an ordered set of data
35 representing coded instructions or statements that, when executed
37 by a computer, cause the computer to process data.

39 5. "Computer software" means a set of computer programs,
41 procedures and associated documentation used in the operation of
43 a computer system.

45 6. "Computer system" means a set of related, connected or
47 unconnected computer equipment, devices and software.

49 7. "Computer system services" means providing a computer
51 system or computer network to perform useful work.

8. "Data" means a representation of information, knowledge,
facts, concepts or instructions that has been prepared or is
being prepared in a formalized manner and has been processed, is
being processed or is intended to be processed in a computer
system or computer network. Data may be in any form, including
computer printouts, magnetic storage media, punched cards and as
stored in the memory of the computer.

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

10. "Intellectual property" means data, including programs.

1
3 11. "Property" means any tangible or intangible item of
5 value, including, but not limited to, financial instruments,
7 information, including electronically produced data and computer
9 software programs in either machine-readable or human-readable
11 form.

13 §382. Unauthorized interference with intellectual property

15 1. A person is guilty of unauthorized interference with
17 intellectual property if that person intentionally or knowingly
19 commits any of the following acts without authorization:

21 A. Modifies or destroys data, programs or supporting
23 documentation residing or existing internally or externally
25 to a computer, computer system or computer network; or

27 B. Discloses or takes data, programs or supporting
29 documentation which is a trade secret, as defined in section
31 352, or is confidential as provided by law, residing or
33 existing internally or externally to a computer, computer
35 system or computer network.

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

41 A. If the crime is committed for the purpose of devising or
43 executing any scheme or artifice to defraud or to obtain any
45 property, it is a Class C crime.

47 §383. Unauthorized interference with computer equipment or
49 supplies

51 1. A person is guilty of unauthorized interference with
computer equipment or supplies if that person intentionally or knowingly commits any of the following acts without authorization:

A. Modifies, destroys, takes, injures or damages equipment
or supplies used or intended to be used in a computer, computer system or computer network; or

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

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

A. If the damage done to the computer equipment or supplies
or to the computer, computer system or computer network is greater than \$200 but less than \$1,000 or the crime is committed for the purpose of devising or executing any

1 scheme or artifice to defraud or to obtain any property, it
2 is a Class D crime; and

3
4 B. If the damage done to the computer equipment or supplies
5 or to the computer, computer system or computer network is
6 \$1,000 or greater or if there is an interruption or
7 impairment of governmental operation or public
8 communication, transportation or supply of water, gas or
9 other public service, it is a Class C crime.

11 **§384. Unauthorized interference with computer use**

13 1. A person is guilty of unauthorized interference with
14 computer use if that person intentionally commits any of the
15 following acts without authorization:

17 A. Accesses, or causes to be accessed, any computer,
18 computer system or computer network; or

19
20 B. Denies, or causes the denial of, computer system
21 services to an authorized user of those services which, in
22 whole or in part, are owned by, under contract to or
23 operated for, on behalf of or in conjunction with, another.

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

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

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34 **STATEMENT OF FACT**

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

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

50 2. Unauthorized interference with computer equipment or
51 supplies is a Class E crime, punishable by imprisonment not to

1 exceed 6 months and a fine not to exceed \$500 if the defendant is
2 an individual or \$5,000 if the defendant is an organization. If
3 the purpose of the crime is to defraud or obtain property or if
4 damages are greater than \$200 but less than \$1,000 it is a Class
5 D crime punishable by imprisonment for less than one year and a
6 fine not to exceed \$1,000 if the defendant is an individual or
7 \$5,000 if the defendant is an organization; and if damages are
8 \$1,000 or greater or if there is an interruption or impairment of
9 governmental operation or public service, it is a Class C crime
10 punishable by imprisonment not to exceed 5 years and a fine not
11 to exceed \$2,500 if the defendant is an individual or \$10,000 if
12 the defendant is an organization.

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14 3. Unauthorized interference with computer use is a Class D
15 crime, punishable by imprisonment for less than one year and a
16 fine not to exceed \$1,000 if the defendant is an individual or
17 \$5,000 if the defendant is an organization, except that if the
18 purpose of the crime is to defraud or obtain property, it is a
19 Class C crime punishable by imprisonment not to exceed 5 years
20 and a fine not to exceed \$2,500 if the defendant is an individual
21 or \$10,000 if the defendant is an organization.