

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
118TH LEGISLATURE  
SECOND REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 785, L.D. 2112, Bill, "An Act Creating the InforME Public Information Act to Ensure Access to Electronic Public Records"

Amend the amendment on page 1 in the last indented paragraph (page 1, line 47 in amendment) by striking out the following: "15" and inserting in its place the following: '17'

Further amend the amendment on page 2 by striking out all of the first 15 lines (page 2, lines 1 to 18 in amendment) and inserting in their place the following:

'Further amend the bill in section 1 in that part designated "§534." in subsection 1 in the 3rd line (page 3, line 32 in L.D.) by striking out the following: "2 nonvoting, advisory members" and inserting in its place the following: 'one nonvoting, advisory member'

Further amend the bill in section 1 in that part designated "§534." in subsection 1 by inserting after paragraph F the following:

'G. Two public members, one appointed by the President of the Senate and one appointed by the Speaker of the House;

H. One person who is not a Legislator, appointed by the Legislative Council to represent the interests of the Legislature;'

**HOUSE AMENDMENT**

R. of S.

2 Further amend the bill in section 1 in that part designated  
3 "§534." in subsection 1 in paragraph G in the last line (page 4,  
4 line 31 in L.D.) by striking out the following: ", who serves as  
a nonvoting member"

6 Further amend the bill in section 1 in that part designated  
7 "§534." in subsection 1 by relettering the paragraphs to read  
8 consecutively.

10 Further amend the bill in section 1 in that part designated  
11 "§534." in subsection 3 by inserting after the following:  
12 "board." the following: 'The Department of the Attorney General  
shall provide legal services to the board.'

14 Further amend the bill in section 1 in that part designated  
15 "§534." in subsection 4 in the first line (page 5, line 2 in  
16 L.D.) by striking out the following: "Seven" and inserting in  
17 its place the following: 'Nine' and in the 2nd line (page 5,  
18 line 3 in L.D.) by striking out the following: "7" and inserting  
19 in its place the following: '9'

22 Amend the amendment on page 2 by striking out all of the  
23 last 8 lines (page 2, lines 40 to 49 in amendment) and on page 3  
24 by striking out all of the first 17 lines (page 3, lines 1 to 20  
25 in amendment) and inserting in their place the following:

26 'G. Review revenue and expenditures and approve premium  
27 services fees and fee schedules to be levied by the network  
28 manager.

30 (1) Fees must be sufficient to maintain, develop,  
31 operate and expand InforME on a continuing basis.

34 (2) Fees for premium services must be reasonable but  
35 sufficient to support the maximum amount of information  
36 and services provided at no charge.

38 (3) The board may establish fee schedules that include  
39 no charge for designated services for one or more  
40 specified classes of users.

42 (4) The board shall require the network manager to  
43 provide access to premium services at no charge to  
44 libraries, the Legislature, the Office of the Governor  
45 and the Judicial Department. The minimum number of  
46 connections to be provided is 5 for libraries, 10 for  
47 the Legislature, one for the Office of the Governor and  
48 2 for the Judicial Department.

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(5) The board may not approve a premium service fee unless the data custodian agrees to the fee.

(6) Fees must be sufficient to ensure that, to the extent possible, data custodians do not suffer loss of revenues from sources that are approved or authorized by law due to the operations of InforME.

(7) Fees must be sufficient to ensure that data custodians are reimbursed for the actual costs of providing data to InforME.

(8) Fees must be sufficient to meet the expenses of the board.'

Amend the amendment on page 3 by inserting before the last indented paragraph the following:

'Further amend the bill in section 1 in that part designated "§535." by striking out all of subsection 1 (page 6, lines 30 to 46 in L.D.) and inserting in its place the following:

'1. Criteria and specifications; contract terms. The Director of the Bureau of Information Services within the Department of Administrative and Financial Services, in consultation with the Department of the Attorney General and the board, shall develop criteria and specifications for a network manager and the network manager's duties. The director shall develop and release a request for proposal to solicit bids from private entities including nonprofit entities to serve as the network manager. Bidding must be conducted by an open, competitive process. The director shall develop the terms and conditions of the contract, which must be reviewed and approved by the Attorney General. The contract must include the following:

A. Perpetual licensing to the board of software and other intellectual property developed by the network manager for use by InforME;

B. An initial term of one year, renewable for an additional 2 years if both parties agree and an opt-out provision allowing the State to cancel the contract at any time upon payment of reasonable expenses of the network manager incurred to date; and

C. Procedures ensuring that executive branch and semiautonomous state agencies comply with the standards and policies adopted by the Information Services Policy Board.'

# HOUSE AMENDMENT

Further amend the amendment on page 4 by inserting before  
the 2nd indented paragraph before the fiscal note the following:

'Further amend the bill in section 1 in that part designated  
"~~§536.~~" by striking out all of subsection 5 (page 8, lines 35 to  
51 in L.D.) and inserting in its place the following:

'5. InforME network manager responsibilities. The network  
manager is responsible for:

A. Transmitting or providing access to public information;

B. Providing reasonable safeguards to protect  
confidentiality to the level required by law;

C. Providing notices and disclaimers that include the  
following:

(1) How to address concerns if the public information  
appears to be inaccurate; and

(2) That InforME assumes no role for monitoring the  
information content to determine if it is accurate,  
complete or current; and

D. Ensuring that information transmitted through the  
network does not become inaccurate as a result of the  
transmission process or as a result of manipulation or  
customizing of the information in the process of producing a  
premium service.'

## SUMMARY

This amendment adds provisions requiring the network manager  
contract to be approved by the Attorney General, placing  
responsibility on the network manager to ensure that information  
does not lose its accuracy as a result of transmission through  
the network or manipulation or customizing of the information as  
a premium service. It also requires the network manager to  
provide premium services at no charge to libraries, the  
Legislature, the Judicial Department and the Office of the  
Governor and prohibits the charging of fees for premium services  
unless the department providing the information agrees to the fee.

The amendment differs from Committee Amendment "A" in the  
membership of the InforME Board. It makes the Judicial  
Department's representative a voting member and adds one voting  
member to represent the Legislature, who is not a Legislator, to

be appointed by the Legislative Council. It authorizes the  
director to solicit bids from private entities including  
nonprofit entities to serve as the network manager. It offers a  
3-year contract, the first year to be a probationary year with a  
2-year renewal and an opt-out provision allowing the State to  
cancel the contract at any time upon payment of reasonable  
expenses of the network manager incurred to date.

SPONSORED BY: Representative Belinda Gerry  
(Representative GERRY)

TOWN: Auburn