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2	DATE: March 26,1998	(Filing No. S-625)
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6	STATE AND LOCAL	L GOVERNMENT
8	Reported by: REPORT C	
10	Reproduced and distributed under of the Senate.	the direction of the Secretary
12	STATE OF	
14	SENA 118TH LEGI	SLATURE
16	SECOND REGU	LAR SESSION
18		
20	COMMITTEE AMENDMENT "B" to Act Creating the InforME Public I to Electronic Public Records"	S.P. 785, L.D. 2112, Bill, "An nformation Act to Ensure Access
22		
24 26	Amend the bill in section 1 in subsection 6 in the last line striking out the following: "F" following: 'G'	
20	_	
28	"§533." by striking out all of su	ction 1 in that part designated bsection 4 and inserting in its
30	place the following:	
32	' 4. Electronic dissemination <u>assist state agencies in elect</u>	on of public information. To ronically disseminating public
34	information in their custody;'	
36	Further amend the bill in se "§533." by inserting after subsect	ction 1 in that part designated ion 9 the following:
38		
40	of persons to inspect or copy pu subchapter I or the duty of data of	
42	inspection and copying of those re	
44	Further amend the bill in se "§534." in subsection 1 in the 2nd	ction 1 in that part designated
46	by striking out the following: 'the following: '17'	

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COMMITTEE AMENDMENT " ${\cal B}$ " to S.P. 785, L.D. 2112

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2	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.)
4	by striking out the following: "2 nonvoting, advisory members" and inserting in its place the following: 'one nonvoting,
б	advisory member'
8	Further amend the bill in section 1 in that part designated "§534." in subsection 1 by inserting after paragraph F the
10	following:
12	'G. Two public members, one appointed by the President of the Senate and one appointed by the Speaker of the House of
14	Representatives;
16	H. One person who is not a Legislator, appointed by the Legislative Council to represent the interests of the
18	Legislature;
20	Further amend the bill in section 1 in that part designated "§534." in subsection 1 in paragraph G in the last line (page 4,
22	line 31 in L.D.) by striking out the following: ", who serves as a nonvoting member"
24	Further amend the bill in section 1 in that part designated
26	"§534." in subsection 1 by relettering the paragraphs to read consecutively.
28	Further amend the bill in section 1 in that part designated
30	"§534." in subsection 3 by inserting after the following: "board." the following: 'The Department of the Attorney General
32	shall provide legal services to the board.'
34	Further amend the bill in section 1 in that part designated "\$534." in subsection 4 in the first line (page 5, line 2 in
36	L.D.) by striking out the following: "Seven" and inserting in its place the following: 'Nine' and in the 2nd line (page 5,
38	line 3 in L.D.) by striking out the following: "7" and inserting in its place the following: '9'
40	
42	Further amend the bill in section 1 in that part designated "§534." in subsection 5 by in paragraph F in the first line (page 5, line 29 in L.D.) by striking out the following: ";" and
44	inserting in its place the following: '.'
46	Further amend the bill in section 1 in that part designated "§534." in subsection 5 by inserting after paragraph F the

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following:

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COMMITTEE AMENDMENT

COMMITTEE AMENDMENT " \mathcal{B} " to S.P. 785, L.D. 2112

2	access to public records and data in the form they are
4	maintained by the data custodian and available for public inspection under chapter 13, subchapter I as a
6	premium service;'
D	Further amend the bill in section 1 in that part designated
8	"§534." in subsection 5 by striking out all of paragraph G (page 5, lines 31 to 51 and page 6, lines 2 and 3 in L.D.) and
10	inserting in its place the following:
12	'G. Review revenue and expenditures and approve premium
14	<u>services fees and fee schedules to be levied by the network manager.</u>
16	(1) Fees must be sufficient to maintain, develop, operate and expand InforME on a continuing basis.
18	
20	(2) Fees for premium services must be reasonable but sufficient to support the maximum amount of information and services provided at no charge.
22	and services provided at no charge.
	(3) The board may establish fee schedules that include
24	no charge for designated services for one or more
26	specified classes of users.
20	(4) The board shall require the network manager to
2.8	provide access to premium services at no charge to
	libraries, the Legislature, the Office of the Governor
30	and the Judicial Department. The minimum number of
32	connections to be provided is: 5 for libraries, 10 for the Legislature, one for the Office of the Governor and
32	2 for the Judicial Department.
34	
	(5) The board may not approve a premium service fee
36	unless the data custodian agrees to the fee.
38	(6) Fees must be sufficient to ensure that, to the
40	extent possible, data custodians do not suffer loss of revenues from sources that are approved or authorized
42	by law due to the operations of InforME.
	(7) Fees must be sufficient to ensure that data
44	custodians are reimbursed for the actual costs of
46	providing data to InforME.
4.0	(8) Fees must be sufficient to meet the expenses of
4.8	the heard.

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COMMITTEE AMENDMENT

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Further amend the bill in section 1 in that part designated "\$534." in subsection 5 in paragraph J in the last line (page 6, line 15 in L.D.) by striking out the following: "and"

Further amend the bill in section 1 in that part designated "**§534.**" in subsection 5 by striking out all of paragraph K (page 6, lines 17 to 20 in L.D.) and inserting in its place the following:

Adopt rules pursuant to the Maine Administrative Procedure Act to carry out this chapter. Notwithstanding Title 5, section 8071, subsection 2, rules adopted pursuant to this paragraph are routine technical rules; and

L. Report annually beginning January 1, 1999 to the joint standing committee of the Legislature having jurisdiction over state government matters. The report must include a complete list of services offered through the InforME system, the fees associated with services and the criteria used to determine which services are offered as premium services. In its January 1, 1999 report, the board must also include an analysis of the feasibility of offering premium services at no charge to depository libraries or other libraries in the State.'

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. Director of the Bureau of Information Services within the Department of Administrative and Financial Services, consultation with the Department of the Attorney General and the board, shall develop criteria and specifications for a network manager and its 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

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COMMITTEE AMENDMENT " ${\cal B}$ " to S.P. 785, L.D. 2112

	<u>payment of reasonable expenses of the network manager</u>
2	incurred to date; and
4	C. Procedures ensuring that executive branch and
	semiautonomous state agencies comply with the standards and
6	policies adopted by the Information Services Policy Board.'
ŭ	<u> </u>
8	Further amend the bill in section 1 in that part designated
	"§535." in subsection 2 in paragraph F in the last line (page 7,
10	line 21 in L.D.) by striking out the following: "F" and
	inserting in its place the following: 'G'
12	
	Further amend the bill in section 1 in that part designated
14	"§535." in subsection 3 in paragraph B in the first line (page 7,
	line 47 in L.D.) by striking out the following: "Have" and
16	inserting in its place the following: 'To the extent permitted
	by the service level agreement between the network manager and
18	the data custodian, have'
	CHO CACA CASCOCIAN, MAYO
20	Further amend the bill in section l in that part designated
-0	"§536." in subsection 3 in the last line (page 8, line 18 in
22	L.D.) by inserting after the following: "custodian." the
- 4	following: 'A service level agreement may include a provision
24	for the network manager to receive a portion of the agency fee
4 1	for information or services in return for electronically
26	providing that information or service. The fee for
-0	electronically accessing the information or service may not
28	exceed the agency fee for distributing the information or
20	providing the service in its usual form.'
30	providing the service in its usual form.
50	Further smend the hill is godtion 1 in that mart designated
32	Further amend the bill in section 1 in that part designated "§536." by striking out all of subsection 5 (page 8, lines 35 to
0 2	51 in L.D.) and inserting in its place the following:
34	of in L.D., and inserting in its place the following:
) (‡	If Inform makerak manager regroupsibilities. The network
36	'5. InforME network manager responsibilities. The network
00	manager is responsible for:
	A. Transmitting or providing access to public information;
38	A. Iransmitting or providing access to public information;
10	D. Durwiding generally referenced to protect
10	B. Providing reasonable safeguards to protect
1.0	confidentiality to the level required by law;
12	
	C. Providing notices and disclaimers that include the
14	following:
1 6	(1) How to address concerns if the public information
	appears to be inaccurate; and

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COMMITTEE AMENDMENT " ${\cal B}$ " to S.P. 785, L.D. 2112

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	(0)
2	(2) That InforME assumes no role for monitoring the information content to determine if it is accurate,
4	complete or current; and
4	complete of current, and
-1	D. Ensuring that information transmitted through the
б	network does not become inaccurate as a result of the
Ŭ	transmission process or as a result of manipulation or
8	customizing of the information in the process of producing a
•	premium service.'
10	
	Further amend the bill in section 1 in that part designated
12	"§536." in subsection 7 in the 3rd line (page 9, line 8 in L.D.)
	by striking out the following: "then"
14	To the second se
	Further amend the bill by inserting at the end before the
16	summary the following:
18	FISCAL NOTE
20	The bill creates the Information Resource of Maine, or
	InforME, as a self-supporting entity to be directed by the
22	InforME Board, to provide and enhance access to the State's
	public information. It authorizes the board to provide premium
24	services and to charge fees to those who choose to purchase those
	services. The fees will need to be sufficient to cover the costs
26	associated with the per diem and expenses of the board as well as
	the cost of contracting with a network manager to direct and
28	supervise operations of InforME. The bill prohibits the use of
	General Fund or other state funds for start-up costs.
30	m1 1122 12 12 12 12 12 12 12 12 12 12 12
2.2	The bill authorizes the network manager to enter into
32	service agreements with state departments and agencies to provide
34	certain information or services electronically, and allows the
34	manager to receive a portion of the fee that the agency would charge for the information. This may result in minor revenue
36	decreases to the affected state departments or agencies.
30	Departments and agencies may realize administrative savings if
3.8	certain responsibilities are shifted to the network manager.
30	certain responsibilities are shirted to the network manager.
40	The state departments and agencies who are members of the
10	InforME Board will incur some minor additional costs to
42	participate as members. These costs can be absorbed by those
	departments' and agencies' existing budgeted resources. The
44	Department of Administrative and Financial Services can absorb
	the costs related to providing staffing assistance to the board
46	utilizing existing budgeted resources.
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absorbed within the Department of the Attorney General's existing budgeted resources.'

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The Department of the Attorney General will incur some minor additional costs to provide legal services. These costs can be

COMMITTEE AMENDMENT

SUMMARY

This amendment is the minority report. In addition to the amendments provided in the majority committee amendment, 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 the majority amendment 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.

Finally, the amendment adds a fiscal note to the bill.