

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 1867

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H.P. 1308

House of Representatives, March 16, 1999

### **An Act to Amend the InforME Laws.**

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Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative GERRY of Auburn.

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

2  
3       **Sec. 1. 1 MRSA §534, sub-§1**, as enacted by PL 1997, c. 713,  
4 §1, is amended by amending the first paragraph to read:

6       **1. Membership.** The InforME Board, as established in Title  
5, section 12004-G, subsection 30-A, consists of ~~15~~ 17 voting  
8 members and ~~2~~ one nonvoting, advisory members ~~member~~ as follows:

10       **Sec. 2. 1 MRSA §534, sub-§1, ¶G-1** is enacted to read:

12       ~~G-1. One person who is not a Legislator, appointed by the~~  
13 ~~Legislative Council, to represent the interests of the~~  
14 ~~Legislature;~~

16       **Sec. 3. 1 MRSA §534, sub-§1, ¶H**, as enacted by PL 1997, c.  
17 713, §1, is amended to read:

18       H. A representative of the membership or staff of the  
19 Judicial Department, appointed by the Chief Justice of the  
20 Supreme Judicial Court, ~~who serves as a nonvoting member~~; and

22       **Sec. 4. 1 MRSA §534, sub-§§3 and 4**, as enacted by PL 1997, c.  
24 713, §1, are amended to read:

26       **3. Staff.** The Department of Administrative and Financial  
27 Services, Bureau of Information Services shall provide staff to  
28 the board. The Department of the Attorney General shall provide  
29 legal services to the board.

30       **4. Quorum; action.** ~~Eight~~ Nine voting members of the board  
31 constitute a quorum. The affirmative vote of ~~8~~ 9 members is  
32 necessary for any action taken by the board. A vacancy in the  
33 membership of the board does not impair the right of a quorum to  
34 exercise all the powers and perform the duties of the board. The  
35 board may use video conferencing and other technologies to  
36 conduct its business, but is not exempt from chapter 13,  
37 subchapter I.

40       **Sec. 5. 1 MRSA §534, sub-§5, ¶G**, as enacted by PL 1997, c.  
41 713, §1, is amended to read:

42       G. Review revenue and expenditures and approve premium  
43 services fees and fee schedules to be levied by the network  
44 manager.

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

- 2 (2) Fees for premium services must be reasonable but  
sufficient to support the maximum amount of information  
and services provided at no charge.
- 4
- 6 (3) The board may establish fee schedules that include  
no charge for designated services for one or more  
8 specified classes of users. ~~If services are to be  
provided at no charge to libraries, the services must  
be provided to libraries designated as depository  
10 libraries for government documents pursuant to 44  
United States Code, Chapter 19 and to any other  
12 libraries the board designates.~~
- 14 (4) Fees must be sufficient to ensure that, to the  
16 extent possible, data custodians do not suffer loss of  
revenues from sources that are approved or authorized  
18 by law due to the operations of InforME.
- 20 (5) Fees must be sufficient to ensure that data  
custodians are reimbursed for the actual costs of  
22 providing data to InforME.
- 24 (6) Fees must be sufficient to meet the expenses of  
the board.
- 26 (7) The board shall require the network manager to  
provide access to premium services at no charge to  
28 libraries, the Legislature, the Office of the Governor  
and the Judicial Department. The minimum number of  
30 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 (8) The board may not approve a premium service fee  
unless the data custodian agrees to the fee;

36  
38 **Sec. 6. 1 MRSA §535, sub-§1**, as enacted by PL 1997, c. 713,  
§1, is amended to read:

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

2 contract must be for an initial term of one year and renewable  
3 for an additional 2 years if both parties agree. The contract  
4 must include at least the following:

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

8 B. Procedures ensuring that executive branch and  
9 semiautonomous state agencies comply with the standards and  
10 policies adopted by the Information Services Policy Board; and  
11 and

12 C. An opt-out provision allowing the State to cancel the  
13 contract at any time upon payment of reasonable expenses of  
14 the network manager incurred to date.

15 **Sec. 7. 1 MRSA §536, sub-§5, as enacted by PL 1997, c. 713,**  
16 **§1, is amended to read:**

17 **5. InforME network manager responsibilities.** The network  
18 manager is responsible for:

19 A. Transmitting or providing access to public information;

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

22 C. Providing notices and disclaimers that include at least  
23 the following:

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

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

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

## 43 SUMMARY

44 This bill amends the InforME Public Information Access Act  
45 in the following ways:

- 2           1. It adds a member who represents the interests of the  
4           Legislature to the InforME Board and makes a representative of  
            the Judicial Department appointed by the Chief Justice of the  
            Supreme Judicial Court a voting member;
- 6           2. It requires the Department of the Attorney General to  
8           provide legal services to the InforME Board;
- 10          3. It requires the attendance of 9 voting members to  
12          constitute a quorum and the affirmative vote of 9 members to take  
            any action of the InforME Board;
- 14          4. It requires free access to premium services to be  
16          provided to libraries, the Legislature, the Governor and the  
            Judicial Department and requires the approval of the data  
            custodian for any premium service fee;
- 18          5. It requires consultation with the Attorney General for  
20          the development of job criteria for a network manager. Bidding  
22          for the position is required to be open and competitive. The  
24          Attorney General is required to review and approve a proposed  
            contract with a network manager. The bill requires a one-year  
            initial term and an opt-out provision for any contract; and
- 26          6. It requires the network manager to ensure that any  
28          information transmitted through the network does not become  
            inaccurate as a result of manipulation or customizing of the  
            information in the process of developing a premium service.