

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1922

H.P. 1339

House of Representatives, March 17, 1999

An Act to Establish the Maine Internet Policy Act.

Reference to the Committee on Business and Economic Development suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative DAVIDSON of Brunswick.
Cosponsored by Representatives: ETNIER of Harpswell, SAXL of Portland.

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

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**CONCEPT DRAFT
SUMMARY**

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to establish an Internet policy for the State. The policy would include:

1. The facilitation of electronic commerce for Maine companies by:

A. Providing the same legal and binding status to transactions occurring over the Internet as to transactions in the traditional environment;

B. Requiring the Department of Economic and Community Development to establish and certify security procedures used to verify signatures, identity and the true form of a document or communication;

C. Providing support and encouraging effective industry self-regulation through the use of seals or other labels indicating that the business has been recognized as employing fair, honest and consumer friendly business practices;

D. Establishing a presence on the Internet where consumers may obtain information on the self-regulation program; common practices and conditions of electronic commerce and known consumer scams and frauds; and

E. Encouraging the establishment and growth of Maine-based digital enterprises by altering and extending current economic development incentives to the digital business environment.

2. Making government more accessible to the citizens by:

A. Requiring all state departments and agencies to expand service delivery and information gathering on an Internet-based platform at a minimum cost or no cost to users;

B. Providing assistance to state departments and agencies to ensure the expeditious implementation of the Internet policy;

C. Encouraging and supporting state and local governments, school systems and public libraries to pool their buying power to provide wider access at lower costs to information services and data bases purchased for public use or the provision of services to the public;

2 D. Directing state agencies to assist in the provision of
affordable high speed Internet access in rural and underserved
areas of the State;

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6 E. Requiring the posting on the Internet of forms and
information needed to interact with State Government, such as tax
forms, registration forms and ballots;

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10 F. Encouraging the timely posting on the agency or
department web sites of information determined necessary or
beneficial to the public; and

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14 G. Amending the Freedom of Information Act to include the
posting of requested documents or delivery through e-mail as a
way of meeting Freedom of Information Act requirements;

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18 3. The protection of consumer and citizen privacy by:

20 A. Establishing and enforcing an Internet privacy policy
that includes the extension of current privacy laws to electronic
22 transmissions, notice of what is to be done with information that
the consumer or user is providing, the right to opt out and a
24 procedure to measure compliance with the policy. Information
collected from a user would be limited to that which is necessary
and relevant to the transaction and the user must be allowed the
26 opportunity to verify and correct the information. Violation of
the policy would be a crime;

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30 B. Protecting the privacy of children 13 years of age and
younger;

32 C. Exercising criminal and civil jurisdiction over persons
using Internet service providers or facilities located in Maine
34 in violation of the policy; and

36 D. Permitting citizens to use an appropriate level of
encryption to protect the privacy and security of their
38 communications over the Internet, except for the use of
encryption to avoid detection in the commission of an illegal act;

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42 4. The mitigation of unsolicited bulk e-mail or spamming by:

44 A. Defining spamming and providing appropriate criminal
penalties;

46 B. Clarifying that the use of an Internet service
provider's facilities and computer network located in Maine
48 subjects the user to Maine jurisdiction;

50 C. Establishing theft of services crimes for the
unauthorized or fraudulent use of e-mail header information in
52 connection with the transmission of unsolicited bulk e-mail or

2 obtaining an Internet service provider account for the purpose of
gathering e-mail addresses for the purpose of spamming; and

4 D. Establishing civil and criminal penalties for persons
who assist spamming by facilitating the transmission of falsified
6 e-mail or the distribution of specially designed software that
aids spamming;

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10 5. The regulation of hate mail and pornography by:

12 A. Directing an appropriate agency to establish a web site
through which information and recommendations are provided to
parents, guardians, local officials and others on specific
14 problems involving the protection of children from inappropriate
material over the Internet;

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18 B. Requiring all public and publicly funded institutions to
establish a management system and policy for Internet access
within their institutions;

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22 C. Making it at least a Class C crime for the on-line
dissemination of obscene or harmful material for the purpose of
inducing children to engage in or perform sexual acts; and

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26 D. Making it at least a Class C crime to post on a
pornographic Internet site information about a child's identity;
and

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30 6. The regulation of other crimes by:

32 A. Clarifying that a crime in the nondigital domain is a
crime in the electronic environment;

34 B. Empowering law enforcement agencies to establish
procedures for the investigation and prosecution of crimes
36 committed using the Internet;

38 C. Amending the rules of evidence to include
Internet-related activities; and

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42 D. Requiring law enforcement agencies to establish Internet
sites to receive reports of suspected illegal activities over the
Internet.

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