

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 956

H.P. 737

House of Representatives, February 20, 2001

An Act to End Internet Crime.

Reference to the Committee on Criminal Justice suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative KASPRZAK of Newport.
Cosponsored by Senator DAVIS of Piscataquis and
Representatives: BERRY of Belmont, JODREY of Bethel, LOVETT of Scarborough,
SNOWE-MELLO of Poland, TOBIN of Dexter, WATERHOUSE of Bridgton.

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

4 **Sec. 1. 17 MRSA c. 84** is enacted to read:

6 **CHAPTER 84**

8 **DAMAGES FOR INTRODUCING COMPUTER VIRUS**

10 **§2531. Remedies**

12 **1. Court action.** A person who suffers any loss of money or
14 property, real or personal, as a result of the act of another
16 person who intentionally or knowingly introduces or allows the
18 introduction of a computer virus into any computer resource,
20 having no reasonable ground to believe that the person has a
22 right to do so in violation of Title 17-A, section 433,
subsection 1, paragraph C may bring an action either in the
Superior Court or District Court for actual treble damages,
restitution and for such other equitable relief as the court
determines to be necessary and proper. There is a right to trial
by jury in any action brought in Superior Court under this
section.

24 **2. Fees and costs.** A successful plaintiff in an action
26 under this section is entitled to reasonable attorney's fees and
costs incurred in connection with that action.

28 **3. Notices to Attorney General.** Upon commencement of any
30 action brought under subsection 1, the clerk of courts shall mail
32 a copy of the complaint or other initial pleading to the Attorney
General and upon entry of any judgment or decree in the action,
shall mail a copy of such judgment or decree to the Attorney
General.

34
36 **SUMMARY**

38 The bill creates a civil remedy for a person who suffers any
40 loss of money or property, real or personal, as a result of
42 another person intentionally allowing or introducing a computer
44 virus into any computer resource in violation of the Maine
46 Revised Statutes, Title 17-A, section 433, subsection 1,
48 paragraph C. A person who suffers damage because of the virus
may bring an action either in the Superior Court or District
Court for actual treble damages, restitution and for such other
equitable relief. A successful plaintiff in an action also is
entitled to reasonable attorney's fees and costs incurred in
connection with that action.