



121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1466

H.P. 1071

House of Representatives, March 27, 2003

An Act To Relocate the Prohibition of Use of State Government Computer Systems for Political Purposes to the Election Laws

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

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

Millicent M. Mac Farland MILLICENT M. MacFARLAND Clerk

Presented by Representative McLAUGHLIN of Cape Elizabeth. Cosponsored by Representative: PEAVEY-HASKELL of Greenbush.

Be it enacted by the People of the State of Maine as follows: 2 Sec. 1. 5 MRSA §1972, sub-§5, as enacted by PL 2001, c. 388, 4 §14, is repealed. Sec. 2. 5 MRSA §1976, as enacted by PL 2001, c. 388, §14, is 6 amended to read: 8 §1976. Use of State Government computer system 10 Confidentiality. 1. Computer programs, technical data, 12 logic diagrams and source code related to data processing or telecommunications are confidential and are not public records, as defined in Title 1, section 402, subsection 3, to the extent 14 of the identified trade secrets. To qualify for confidentiality 16 under this subsection, computer programs, technical data, logic diagrams and source code must: 18 Contain trade secrets, as defined in Title 10, section Α. 20 1542, subsection 4, held in private ownership; and 22 в. Have been provided to a state agency by an authorized independent vendor or contractor under an agreement by which: 24 All trade secrets that can be protected are (1)26 identified without disclosing the trade secret; 28 (2) The vendor or contractor retains all intellectual property rights in those trade secrets; and 30 The state agency agrees to hold and use the (3) 32 data, diagrams or source code without programs, disclosing any identified trade secrets. 34 2. Public records. Except as provided in subsection 1, any document created or stored on a State Government computer is a 36 public record and must be made available in accordance with Title 38 1, chapter 13 unless specifically exempted by that chapter. 40 3.---Violation.-- A - person--is - guilty--of - misuse--of - a - State Government--computer--system--if--that--person--knowingly--uses--a 42 computer - system - operated - by - a - state - department - or - agency, - the Judicial-Department-or-the-Legislature: 44 A----To--prepare--materials--with--the--intent--to--expressly 46 advocate -- to - those -- eligible - to -- vote -- for -- the - election - or defeat---of---any---candidate---for---a--federal---office,---a constitutional--office--or--any--candidate -- for---elective 48 municipal,--county--or--state--office,--including--leadership 50 positions-in-the-Senate-and-the-House-of-Representatives;-or

٠

2	BWiththeintenttosolicitcontributionsreportable under-Title-21-A,-chapter-13.
4	
	4PenaltyMisuse-of-a-State-Government-computer-system
б	is-a-Class-C-crime.
8	Sec. 3. 21-A MRSA §32, sub-§3 is enacted to read:
10	3. Class C crime. A person commits a Class C crime if that
	person misuses a state government computer system. For purposes
12	of this subsection, a person is guilty of misuse of a state
	<u>government computer system if that person knowingly uses a</u>
14	computer system operated by a state department or agency, the
1 C	Judicial Department or the Legislature:
16	A The property meterials with the intert to every
18	A. To prepare materials with the intent to expressly advocate, to those eligible to vote, for the election or
10	defeat of any candidate for a federal office, a
20	constitutional office or elective municipal, county or state
	office, including leadership positions in the State Senate
22	and the State House of Representatives; or
24	B. With the intent to solicit contributions reportable
	under chapter 13.
26	
	For purposes of this subsection, "computer system" has the same
28	meaning as in Title 17-A, section 431 and "leadership positions"
	means the presiding officers of each House of the Legislature,
30	party leaders, the Clerk of the House, the Assistant Clerk of the
	House, the Secretary of the Senate and the Assistant Secretary of
32	the Senate.
34	
	SUMMARY
36	
2 0	The purpose of this bill is to change the statutory location
38	of the prohibition on use of state government computer systems
40	for political purposes from the Maine Revised Statutes, Title 5,
±0	chapter 163, which involves the Office of the Chief Information

Officer within the Department of Administrative and Financial 42 Services, to Title 21-A, which involves election law.