

MAINE STATE LEGISLATURE

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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. MacFarland
MILLICENT M. MacFARLAND
Clerk

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

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

4 **Sec. 1. 5 MRSA §1972, sub-§5,** as enacted by PL 2001, c. 388,
§14, is repealed.

6 **Sec. 2. 5 MRSA §1976,** as enacted by PL 2001, c. 388, §14, is
amended to read:

8 **§1976. Use of State Government computer system**

10 **1. Confidentiality.** Computer programs, technical data,
12 logic diagrams and source code related to data processing or
telecommunications are confidential and are not public records,
14 as defined in Title 1, section 402, subsection 3, to the extent
of the identified trade secrets. To qualify for confidentiality
16 under this subsection, computer programs, technical data, logic
diagrams and source code must:

18 A. Contain trade secrets, as defined in Title 10, section
20 1542, subsection 4, held in private ownership; and

22 B. Have been provided to a state agency by an authorized
independent vendor or contractor under an agreement by which:

24 (1) All trade secrets that can be protected are
26 identified without disclosing the trade secret;

28 (2) The vendor or contractor retains all intellectual
property rights in those trade secrets; and

30 (3) The state agency agrees to hold and use the
32 programs, data, diagrams or source code without
disclosing any identified trade secrets.

34 **2. Public records.** Except as provided in subsection 1, any
36 document created or stored on a State Government computer is a
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
48 constitutional office or any candidate for elective
municipal, county or state office, including leadership
50 positions in the Senate and the House of Representatives, or~~

