

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1582

S.P. 541

In Senate, April 28, 2003

An Act To Protect Critical Homeland Security Information

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

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator ROTUNDO of Androscoggin.
Cosponsored by Representatives: BRUNO of Raymond, Speaker COLWELL of Gardiner,
McLAUGHLIN of Cape Elizabeth, MOODY of Manchester.

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

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Sec. 1. 1 MRSA §402, sub-§3, ¶K, as amended by PL 2001, c. 675, §2, is further amended to read:

K. Personally identifying information concerning minors that is obtained or maintained by a municipality in providing recreational or nonmandatory educational programs or services, if the municipality has enacted an ordinance that specifies the circumstances in which the information will be withheld from disclosure. This paragraph does not apply to records governed by Title 20-A, section 6001 and does not supersede Title 20-A, section 6001-A; and

Sec. 2. 1 MRSA §402, sub-§3, ¶L, as enacted by PL 2001, c. 675, §3, is amended to read:

L. Records describing security and information technology system plans, security procedures or risk assessments prepared specifically for the purpose of preventing or preparing for acts of terrorism, but only to the extent that release of information contained in the record could reasonably be expected to jeopardize the physical safety of government personnel or the public. Information contained in records covered by this paragraph may be disclosed to the Legislature or, in the case of a political or administrative subdivision, to municipal officials or board members under conditions that protect the information from further disclosure. For purposes of this paragraph, "terrorism" means conduct that is designed to cause serious bodily injury or substantial risk of bodily injury to multiple persons, substantial damage to multiple structures whether occupied or unoccupied or substantial physical damage sufficient to disrupt the normal functioning of a critical infrastructure. For purposes of this paragraph, "information technology system" includes a voice, video, radio or data system; and

Sec. 3. 1 MRSA §402, sub-§3, ¶M is enacted to read:

M. Records or information that may jeopardize the security, availability, confidentiality or integrity of, or corrupt the data residing in, state and local government information technology systems, including records describing the architecture, design, access, encryption or security of information technology systems and infrastructure. "Public records" also does not include records or information related to the risks or threat assessments detailed in information technology business continuity and disaster recovery planning documents. Information contained in

2 documents or records covered by this paragraph may be
3 disclosed to the Legislature or, in the case of a political
4 or administrative subdivision, to municipal officials or
5 board members under conditions that protect the information
6 from further disclosure. For purposes of this paragraph,
7 "information technology system" includes a voice, video,
8 radio or data system.

10 SUMMARY

11 This bill adds an exception to the definition of "public
12 records" in the freedom of access laws that would protect
13 information concerning the security, access to and integrity of
14 information technology systems, information technology plans
15 related to homeland security and operating procedures of agencies
16 of State Government and local government.