

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 1521

S.P. 482

In Senate, April 28, 2011

### An Act To Amend the InforME Public Information Access Act

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Submitted by the Secretary of State pursuant to Joint Rule 204.

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

*Joseph G. Carleton Jr.*

JOSEPH G. CARLETON, JR.

Secretary of the Senate

Presented by Senator THOMAS of Somerset.

Cosponsored by Representative VALENTINO of Saco and

Representative: ROSEN of Bucksport.

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

2 **Sec. 1. 1 MRSA §532, sub-§1-A** is enacted to read:

3 **1-A. Agency fees.** "Agency fees" are fees defined in statute or agency rulemaking  
4 that the data custodian charges to provide a record or service.

5 **Sec. 2. 1 MRSA §532, sub-§2-B** is enacted to read:

6 **2-B. Fee service.** "Fee service" means an electronic service provided for a fee.

7 **Sec. 3. 1 MRSA §532, sub-§3,** as enacted by PL 1997, c. 713, §1, is amended to  
8 read:

9 **3. InforME.** "InforME" means the system through which the State electronically  
10 provides public information, access to public information and ~~premium~~ electronic  
11 services to individuals, businesses and other entities.

12 **Sec. 4. 1 MRSA §532, sub-§3-B** is enacted to read:

13 **3-B. Portal fee.** "Portal fee" means a fee, authorized in section 534, established to  
14 provide access to electronic services through InforME and to maintain, develop, operate  
15 and expand InforME on a continuing basis.

16 **Sec. 5. 1 MRSA §532, sub-§4,** as enacted by PL 1997, c. 713, §1, is amended to  
17 read:

18 **4. Premium services.** "Premium services" means InforME services that are  
19 available only to subscribers. Premium services include, but are not limited to, ~~the~~  
20 ~~enhancement of~~ enhanced information ~~that is otherwise available through InforME for the~~  
21 ~~statutory fee or at no charge~~ access or other electronic services that provide significant  
22 value to the subscriber.

23 **Sec. 6. 1 MRSA §532, sub-§6,** as amended by PL 2003, c. 406, §2, is further  
24 amended to read:

25 **6. Subscriber.** "Subscriber" means ~~a person~~ an individual, business or organization  
26 who, in exchange for a fee established under section 534, subsection 5, paragraph G,  
27 subparagraph (8), receives access to premium services ~~or other electronic services~~  
28 ~~available for a statutory fee or at no charge.~~

29 **Sec. 7. 1 MRSA §532, sub-§6-A** is enacted to read:

30 **6-A. User.** "User" means an individual, business or organization who uses electronic  
31 services, whether for a fee or at no charge.

32 **Sec. 8. 1 MRSA §534, sub-§5, ¶F,** as enacted by PL 1997, c. 713, §1, is  
33 amended to read:

34 F. Approve ~~premium~~ services offered.

1 (1) The board may not approve a service that provides access to public records  
2 and data in the form they are maintained by the data custodian and available for  
3 public inspection under chapter 13, subchapter 1 as a premium service;

4 **Sec. 9. 1 MRSA §534, sub-§5, ¶G**, as amended by PL 2003, c. 406, §6, is further  
5 amended to read:

6 G. Review revenue and expenditures and approve ~~premium services~~ fees and fee  
7 schedules to be levied by the network manager.

8 (1) Fees must be sufficient to maintain, develop, operate and expand InforME on  
9 a continuing basis.

10 (2) Fees for ~~premium~~ services must be reasonable but sufficient to support the  
11 maximum amount of information and services provided at no charge.

12 (3) The board may establish fee schedules that include no charge for designated  
13 services for one or more specified classes of users. If services are to be provided  
14 at no charge to libraries, the services must be provided to libraries designated as  
15 depository libraries for government documents pursuant to 44 United States  
16 Code, Chapter 19 and to any other libraries the board designates.

17 (4) Fees must be sufficient to ensure that, to the extent possible, data custodians  
18 do not suffer loss of revenues from sources that are approved or authorized by  
19 law due to the operations of InforME.

20 (5) Fees must be sufficient to ensure that data custodians are reimbursed for the  
21 actual costs of providing data to InforME.

22 (6) Fees must be sufficient to meet the expenses of the board.

23 (7) The board may approve, when applicable, service level agreements entered  
24 into by InforME and data custodians for information, electronic services and  
25 transactions provided by InforME.

26 (8) The board may establish a subscription fee for subscribers;

27 (9) The board may establish portal fees for electronic services;

28 **Sec. 10. 1 MRSA §534, sub-§5, ¶I**, as enacted by PL 1997, c. 713, §1, is  
29 amended to read:

30 I. Approve interagency agreements that affect ~~premium~~ electronic services;

31 **Sec. 11. 1 MRSA §535, sub-§2, ¶F**, as enacted by PL 1997, c. 713, §1, is  
32 amended to read:

33 F. Develop ~~charges~~ fees for the services provided to users, agencies and  
34 subscribers, which must meet the provisions of section 534, subsection 5, paragraph  
35 G;

36 **Sec. 12. 1 MRSA §536, sub-§2**, as enacted by PL 1997, c. 713, §1, is amended to  
37 read:



1 electronic services. The bill also clarifies which InforME user records are confidential  
2 and changes InforME's fiscal year to coincide with the calendar year.