

# MAINE STATE LEGISLATURE

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Date: 3/15/24 Majority L.D. 1948  
(Filing No. H-830)

**STATE AND LOCAL GOVERNMENT**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
131ST LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1252, L.D. 1948, "An Act to Amend the State's Data Governance Program Regarding Proprietary Data"

Amend the bill by striking out the title and substituting the following:

**'An Act to Amend the State's Data Governance Program'**

Amend the bill by striking out everything after the enacting clause and inserting the following:

**'Sec. 1. 1 MRSA §547, as enacted by PL 2021, c. 717, §1, is amended to read:**

**§547. Data governance program established**

The Secretary of State, or the secretary's designee, and the ~~Chief Information Officer~~ Commissioner of Administrative and Financial Services, or the commissioner's designee, shall establish a data governance program.

- 1. Implementation.** Implementation of a data governance program must include:
  - A. Establishing data project priorities;
  - B. Ensuring data privacy compliance and that best practices are followed;
  - C. Developing data structure policies that ensure the best data quality, alignment and availability across systems; and
  - D. Establishing data-sharing policies and agreements.
- 2. Program requirements.** The data governance program must:
  - A. Support decision making and improve citizen access to government services;
  - B. Promote consistent collection of racial and ethnic demographic data;
  - C. Use evidence-based strategies to improve data collection;
  - D. Address technology barriers that restrict the ability of state agencies to share data between agencies;

**COMMITTEE AMENDMENT**

- 1 E. Create models for sharing data with the public and for developing policies to reduce
- 2 disparities and increase equity that take into consideration the norms and expectations
- 3 of the diverse populations of the State;
- 4 F. Include records management capabilities and compliance; and
- 5 G. Ensure that data sharing and usage complies with state and federal laws, rules and
- 6 regulations; and
- 7 H. Adhere to the records retention schedules developed by the State Archivist pursuant
- 8 to Title 5, section 95-C.
- 9 **3. Consultations.** ~~Within 30 days of the effective date of this chapter, and at least~~
- 10 ~~quarterly thereafter, the~~ The Secretary of State, or the secretary's designee, and the Chief
- 11 ~~Information Officer~~ Commissioner of Administrative and Financial Services, or the
- 12 commissioner's designee, shall consult at least quarterly with:
- 13 A. The Permanent Commission on the Status of Racial, Indigenous and Tribal
- 14 Populations established by Title 5, section 12004-J, subsection 19 to discuss how racial
- 15 equity will be incorporated in the data governance program as well as in all projects
- 16 related to the program. The consultation must include discussion of methods for
- 17 building racial equity considerations into every aspect of the data life cycle, including
- 18 planning, data collection, data access, algorithms, statistical tools, data analysis,
- 19 reporting and dissemination; and
- 20 B. The State Archivist, or the archivist's designee, regarding the development and
- 21 implementation of the data governance program and to generate a records management
- 22 and retention plan and program in compliance with Title 5, section 95-C.
- 23 **4. Report.** The Secretary of State, or the secretary's designee, the Chief Information
- 24 ~~Officer~~ Commissioner of Administrative and Financial Services, or the commissioner's
- 25 designee, and the Permanent Commission on the Status of Racial, Indigenous and Tribal
- 26 Populations established by Title 5, section 12004-J, subsection 19 shall jointly report on
- 27 the status of the program and the consultations under subsection 3 to the joint standing
- 28 committee of the Legislature having jurisdiction over state and local government matters
- 29 annually by February 15<sup>th</sup>. The committee may report out a bill based on the report
- 30 during the legislative session in which the report is received.
- 31 **5. State agency designee.** Each state agency shall designate an employee with the
- 32 responsibility to oversee the agency's compliance with the data governance program
- 33 established pursuant to this section.
- 34 **6. Inventory.** The Commissioner of Administrative and Financial Services, or the
- 35 commissioner's designee, shall work with the state agency designees under subsection 5 to
- 36 inventory the collection and availability of demographic data fields by the state agency,
- 37 including, but not limited to, gender, location, race, ethnicity, birth sex, citizenship,
- 38 socioeconomic status, education, sexual orientation, veteran status, disability status and
- 39 age. This inventory is distinct from the definitions and standards developed pursuant to
- 40 subsection 7 and is not itself data collection.
- 41 **7. Definitions and standards.** The Commissioner of Administrative and Financial
- 42 Services, or the commissioner's designee, shall develop a definition and standard for certain
- 43 demographic data fields, including, but not limited to, gender, location, race, ethnicity, birth
- 44 sex, citizenship, socioeconomic status, education, sexual orientation, veteran status,

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1 disability status and age. The definitions and standards must be developed in consultation  
2 with the Department of the Secretary of State and the Permanent Commission on the Status  
3 of Racial, Indigenous and Tribal Populations established by Title 5, section 12004-J,  
4 subsection 19.

5 **8. Stakeholder group.** To the extent resources are available, the Commissioner of  
6 Administrative and Financial Services, or the commissioner's designee, shall work with the  
7 Department of the Secretary of State and the Permanent Commission on the Status of  
8 Racial, Indigenous and Tribal Populations established by Title 5, section 12004-J,  
9 subsection 19 to convene a stakeholder group at least once each year to review progress in  
10 developing and implementing the data governance program. When inviting members to the  
11 stakeholder group, consideration must be given to racial, ethnic, gender, socioeconomic  
12 and other demographic diversity.'

13 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
14 number to read consecutively.

15 **SUMMARY**

16 This amendment, which is the majority report of the committee, replaces the bill,  
17 changes the title and makes the following changes to the laws governing the data  
18 governance program for State Government.

19 1. It replaces references to the Chief Information Officer with references to the  
20 Commissioner of Administrative and Financial Services, or the commissioner's designee.

21 2. It requires that the data governance program established pursuant to the Maine  
22 Revised Statutes, Title 1, section 547 adhere to the records retention schedule developed  
23 by the State Archivist pursuant to Title 5, section 95-C.

24 3. It requires each state agency to designate an employee with the responsibility to  
25 oversee the agency's compliance with the data governance program.

26 4. It requires the Commissioner of Administrative and Financial Services, or the  
27 commissioner's designee, to work with the state agency designees to inventory the  
28 collection and availability of demographic data fields by the state agency, including, but  
29 not limited to, gender, location, race, ethnicity, birth sex, citizenship, socioeconomic status,  
30 education, sexual orientation, veteran status, disability status and age.

31 5. It requires the Commissioner of Administrative and Financial Services, or the  
32 commissioner's designee, to develop a definition and standard for certain demographic data  
33 fields, including, but not limited to, gender, location, race, ethnicity, birth sex, citizenship,  
34 socioeconomic status, education, sexual orientation, veteran status, disability status and  
35 age.

36 6. It requires that the definitions and standards be developed in consultation with the  
37 Department of the Secretary of State and the Permanent Commission on the Status of  
38 Racial, Indigenous and Tribal Populations.

39 7. It requires the Commissioner of Administrative and Financial Services, or the  
40 commissioner's designee, to the extent resources are available, to work with the Department  
41 of the Secretary of State and the Permanent Commission on the Status of Racial, Indigenous  
42 and Tribal Populations to convene a stakeholder group at least once each year to review  
43 progress in developing and implementing the data governance program.

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- 1           8. It requires the Commissioner of Administrative and Financial Services, or the
- 2 commissioner's designee, when inviting members to the stakeholder group, to consider the
- 3 racial, ethnic, gender, socioeconomic and other demographic diversity of the group.

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**FISCAL NOTE REQUIRED**

(See attached)

**COMMITTEE AMENDMENT**



# 131st MAINE LEGISLATURE

LD 1948

LR 1997(02)

An Act to Amend the State's Data Governance Program Regarding Proprietary Data

Fiscal Note for Bill as Amended by Committee Amendment "A" (M-830)

Committee: State and Local Government

Fiscal Note Required: Yes

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## Fiscal Note

Minor cost increase - All Funds

### Fiscal Detail and Notes

Additional costs to the Department of Administrative and Financial Services and other state agencies to inventory the collection and availability of demographic data fields is expected to be minor and can be absorbed within existing resources. Additional costs to the Department of Administrative and Financial Services, the Department of Secretary of State and the Permanent Commission on the Status of Racial, Indigenous and Tribal Populations to develop definitions and standards for demographic fields and to convene a stakeholder group are also expected to be minor and can be absorbed within existing budgeted resources.