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H.P. 1407

House of Representatives, January 7, 2026

**An Act to Update Certain Terms and References Regarding
Information Technology and Cybersecurity**

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 203.

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

R. B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative SALISBURY of Westbrook.

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

2 **Sec. 1. 5 MRSA §1825-B, sub-§2, ¶F**, as amended by PL 2023, c. 516, Pt. A, §1, 3
is further amended to read:

4 F. The procurement of goods or services involves expenditures of \$25,000 or less, in 5
which case the Director of the Bureau of General Services may accept informal written 6
quotes or bids; or

7 **Sec. 2. 5 MRSA §1825-B, sub-§2, ¶G**, as amended by PL 1999, c. 105, §3, is 8
further amended to read:

9 G. The procurement of goods or services involves expenditures of \$10,000 or less, and 10
procurement from a single source is the most economical, effective and appropriate 11
means of fulfilling a demonstrated need; or

12 **Sec. 3. 5 MRSA §1825-B, sub-§2, ¶H** is enacted to read:

13 H. The Chief Information Officer, after reasonable investigation, has determined that
14 the procurement of information technology products or services through the
15 procurement offerings to state and local governments from the United States General
16 Services Administration is in the best interest of the State; or

17 **Sec. 4. 5 MRSA §1825-B, sub-§2, ¶I** is enacted to read:

18 I. The Chief Information Officer, after reasonable investigation, has determined that
19 the procurement of information security or cybersecurity products or services on a
20 retainer basis is necessary to detect, prevent and respond to cyberattacks.

21 **Sec. 5. 5 MRSA §1971, sub-§2**, as enacted by PL 2005, c. 12, Pt. SS, §9, is 22
amended to read:

23 **2. Provide services.** Direct and oversee the provision of information technology and 24
enterprise services ~~in data processing and telecommunications~~ throughout State 25
Government ~~in a manner that prioritizes the confidentiality, integrity and availability of the~~ 26
~~information transacted, stored or processed by information and communications~~ 27
~~technology infrastructure, systems or services affecting the enterprise, whether physical or~~ 28
~~nonphysical.~~

29 **Sec. 6. 5 MRSA §1972, sub-§2**, as amended by PL 2005, c. 12, Pt. SS, §10, is 30
further amended to read:

31 **2. Chief Information Officer.** "Chief Information Officer" means the person who 32
holds the lead information technology position within the executive branch that directs, 33
coordinates and oversees information technology policy making, planning, architecture and 34
standardization. The Chief Information Officer is also responsible for the provision of 35
information technology and enterprise services ~~in data processing and telecommunications~~ 36
throughout State Government.

37 **Sec. 7. 5 MRSA §1972, sub-§4-A** is enacted to read:

38 **4-A. Cyberattack.** "Cyberattack" has the same meaning as in Title 37-B, section 703, 39
subsection 1-A.

40 **Sec. 8. 5 MRSA §1972, sub-§4-B** is enacted to read:

1 **4-B. Cybersecurity.** "Cybersecurity" means the protection of information and
2 communications technology infrastructure, systems and services affecting the enterprise
3 and the State's critical infrastructure, whether physical or nonphysical, by detecting,
4 preventing and responding to cyberattacks.

5 **Sec. 9. 5 MRSA §1972, sub-§7-A** is enacted to read:

6 **7-A. Information security.** "Information security" means the ability to protect or
7 defend the information and communications technology infrastructure, systems or services
8 affecting the enterprise or the State's critical infrastructure, whether physical or
9 nonphysical, from unauthorized access, use, disclosure, disruption, modification or
10 destruction to provide confidentiality, integrity and availability.

11 **Sec. 10. 5 MRSA §1973, sub-§1, ¶A**, as enacted by PL 2001, c. 388, §14, is
12 amended to read:

13 A. Provide central leadership and vision in the use of information technology,
14 information security and telecommunications technology on a statewide basis to
15 safeguard the confidentiality, integrity and availability of the information transacted,
16 stored or processed by information and communications technology infrastructure,
17 systems or services affecting the enterprise or the State's critical infrastructure, whether
18 physical or nonphysical;

19 **Sec. 11. 5 MRSA §1973, sub-§5, ¶B**, as enacted by PL 2001, c. 388, §14, is
20 amended to read:

21 B. Approve the Division of Purchases' standards and evaluation procedures of the
22 division of purchases within the Department of Administrative and Financial Services,
23 Bureau of General Services for standard information and telecommunications
24 technology acquisitions and contracts.

25 **Sec. 12. 5 MRSA §1974, sub-§1**, as enacted by PL 2001, c. 388, §14, is amended
26 to read:

27 **1. Approve the acquisition and use of equipment.** The Chief Information Officer,
28 or the Chief Information Officer's designee, working with the Division of Purchases
29 division of purchases within the Department of Administrative and Financial Services,
30 Bureau of General Services and in accordance with written standards established by this
31 chapter, shall approve acquisition and use of all data processing information technology
32 products, hardware, software and telecommunications services, equipment and systems by
33 state agencies.

34 **Sec. 13. 5 MRSA §1974, sub-§2**, as enacted by PL 2001, c. 388, §14, is amended
35 to read:

36 **2. Develop training and development programs in data processing information
37 technology, information security and enterprise services.** The Chief Information
38 Officer, or the Chief Information Officer's designee, is responsible for developing training
39 and development programs for state employees in data processing information technology,
40 information security and enterprise services and for the implementation of these programs.

41 **Sec. 14. 5 MRSA §1974, sub-§3**, as amended by PL 2005, c. 12, Pt. SS, §12, is
42 further amended to read:

1 **3. Develop and administer written standards for data processing information**
2 **technology enterprise services and telecommunications.** The Chief Information Officer,
3 or the Chief Information Officer's designee, shall develop and administer written standards
4 for data processing information technology enterprise services and telecommunications.
5 These written standards pertain to:

6 A. Acquisition of equipment;
7 B. Acquisition of computer software and systems;
8 C. Development of computer systems and computer programs;
9 D. Computer operations; **and**
10 **D-1. Information security and cybersecurity policies, procedures and related**
11 **operations; and**
12 E. Any other standards determined necessary by the Chief Information Officer **and the**
13 **board.**

14 **Sec. 15. 5 MRSA §1975**, as amended by PL 2005, c. 12, Pt. SS, §15, is further
15 amended to read:

16 **§1975. Noncompliance**

17 The purchase of data processing information technology equipment, hardware,
18 software or services or internal systems development efforts may not be made except in
19 accordance with this chapter. An agency may not purchase any data processing information
20 technology equipment, hardware, software or services **without that are out of compliance**
21 **with the office's policies and procedures. All such purchases require** the prior written
22 approval of the commissioner or the Chief Information Officer **or the Chief Information**
23 **Officer's designee.** The State Controller may not authorize payment for data processing
24 information technology equipment, hardware, software or services without evidence of
25 prior approval of the purchases by the commissioner or the Chief Information Officer **or**
26 **the Chief Information Officer's designee.**

27 **1. Noncompliance defined.** A state agency is in noncompliance with this chapter if
28 the agency:

29 A. Purchases data processing information technology equipment, hardware, software
30 or services in noncompliance with this chapter; or
31 B. Fails to adhere to the data processing information security or cybersecurity
32 standards established by the commissioner and the Chief Information Officer **or the**
33 **Chief Information Officer's designee.**

34 **2. Penalty.** **Any** **A** state agency found to be in noncompliance as **defined described** in
35 this section is prohibited from acquiring or purchasing data processing equipment,
36 information technology equipment, hardware, software and services until the commissioner
37 or the Chief Information Officer determines that the state agency is in compliance with this
38 chapter.

39 Notwithstanding the provisions of this section, the commissioner or the Chief Information
40 Officer may act to acquire or purchase data processing equipment, information technology
41 equipment, hardware, software and services to maintain or meet the emergency needs of a
42 state agency.

1 **3. Cybersecurity services.** Notwithstanding the requirements of sections 1553 and
2 1825-B, or any other statutory or regulatory provisions to the contrary, the Chief
3 Information Officer, after reasonable investigation, may procure cybersecurity services on
4 a retainer basis when determined necessary to ensure the State is prepared to detect, prevent
5 and respond to cyberattacks.

6 **Sec. 16. 5 MRSA §1981, first ¶,** as enacted by PL 2005, c. 12, Pt. SS, §16, is
7 amended to read:

8 The mission of the Office of Information Technology includes providing high-quality,
9 responsive, cost-effective information technology services to the agencies,
10 instrumentalities and political subdivisions of State Government to ensure the
11 confidentiality, integrity and availability of the information transacted, stored or processed
12 by information and communications technology infrastructure, systems or services
13 affecting the enterprise, whether physical or nonphysical. These services include, but are
14 not limited to, information security, cybersecurity, voice and data computer and networking
15 services, applications development and maintenance and desktop support, centralized
16 geographic information systems and data and security advice to services for customers.

17 **Sec. 17. 5 MRSA §1981, sub-§2,** as enacted by PL 2005, c. 12, Pt. SS, §16, is
18 amended to read:

19 **2. Duties of office.** The office shall provide the major data processing and
20 telecommunications information technology enterprise services in State Government,
21 including computer operations and programming and applications systems. The office, as
22 authorized by the commissioner, shall work to ensure consistency in programming services,
23 stability in data processing functions, reliability in the operation and maintenance of
24 systems throughout State Government and responsiveness and flexibility to react to
25 changing situations and needs. The office shall establish information security and
26 cybersecurity standards and policies to ensure the protection of information and
27 communications technology infrastructure, systems and services affecting the enterprise,
28 whether physical or nonphysical, against emerging cybersecurity risks and cyberattacks.

29 SUMMARY

30 This bill makes necessary technical changes to update the statutes governing the
31 Department of Administrative and Financial Services, Office of Information Technology
32 to align with recent statutory updates and best practices. The bill does the following.

- 33 1. It allows the Chief Information Officer to have an authorized designee in certain
34 instances.
- 35 2. It includes certain definitions to align with the recently enacted definition of
36 "cyberattack" and updates terminology to reflect national best practices for cybersecurity
37 and information security.
- 38 3. It updates language regarding the mission of the office to reflect the bill's
39 terminology changes.
- 40 4. It updates a provision of statute regarding competitive bidding to allow the office to
41 procure information technology products or services necessary to detect, prevent and
42 respond to cyberattacks.