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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

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 **2. Duplication of fee services.** Executive branch and semiautonomous state
2 agencies may not provide services that duplicate ~~premium~~ fee services offered by
3 InforME except as authorized by the board.

4 **Sec. 13. 1 MRSA §536, sub-§3**, as amended by PL 2007, c. 37, §6, is further
5 amended to read:

6 **3. Service level agreements.** Services provided by the network manager and
7 information to be provided by a data custodian are governed by service level agreements
8 between the network manager and the data custodian. A service level agreement may
9 include a provision for the network manager to receive a portion of the agency fee for
10 information or services in return for electronically providing that information or service.
11 ~~The fee for electronically accessing the information or service may not exceed the agency~~
12 ~~fee for distributing the information or providing the service in its usual form.~~

13 **Sec. 14. 1 MRSA §537, sub-§1**, as repealed and replaced by PL 2007, c. 37, §7,
14 is amended to read:

15 **1. Funding.** InforME is self-supporting and may not receive an appropriation or
16 allocation from the General Fund or other state funds.

17 Revenue is generated through fees ~~or surcharges~~ on services paid by data custodians,
18 subscribers or ~~other~~ users, from contracts with other state departments and agencies and
19 from money, goods or in-kind services donated or awarded to carry out the purposes of
20 this Act.

21 **Sec. 15. 1 MRSA §537, sub-§2**, as enacted by PL 1997, c. 713, §1, is amended to
22 read:

23 **2. Fiscal year.** InforME's fiscal year begins July January 1st and ends on June 30th
24 December 31st of the next each calendar year.

25 **Sec. 16. 1 MRSA §538, sub-§3**, as enacted by PL 1997, c. 713, §1, is amended to
26 read:

27 **3. User records.** Records that contain information relating to the identity of a
28 ~~subscriber~~ user relative to the ~~subscriber's~~ user's use of ~~InforME~~ electronic services,
29 outside of public records held by data custodians, are confidential. Those records may
30 only be released with the express ~~written~~ permission of the ~~subscriber~~ user involved or
31 pursuant to a court order.

32 **Sec. 17. Effective date.** That section of this Act that amends the Maine Revised
33 Statutes, Title 1, section 537, subsection 2 takes effect January 1, 2012.

34 **SUMMARY**

35 This bill amends the InforME Public Information Access Act to add definitions of
36 "fee service," "portal fee" and "user" to allow InforME to maintain and expand access to

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.