

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND ELEVEN

—
S.P. 482 - L.D. 1521

An Act To Amend the InforME Public Information Access Act

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

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

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

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

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

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

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

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

3-B. Portal fee. "Portal fee" means a fee, authorized in section 534, paid by a user for a transaction.

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

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

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

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

Sec. 7. 1 MRSA §532, sub-§§6-A and 6-B are enacted to read:

6-A. Transaction. "Transaction" means a transaction between a user and a data custodian involving electronic services, including but not limited to: the submission by a user of an application, registration or other document; the purchase by a user of a permit, license or other document or service; the payment of a tax, fee, fine or other charge; and the retrieval of records.

6-B. User. "User" means an individual, business or organization that uses electronic services, whether for a fee or at no charge.

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

F. Approve ~~premium~~ services offered.

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

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

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

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

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

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

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

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

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

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

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

(9) The board may establish portal fees to maintain, develop, operate and expand InforME on a continuing basis. A portal fee may not exceed \$6 plus 3% of the total charges for each transaction, except that the board may establish a higher portal fee by major substantive rule as defined in Title 5, chapter 375, subchapter 2-A;

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

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

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

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

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

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

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

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

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

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

Revenue is generated through fees ~~or surcharges~~ on services paid by data custodians, subscribers or ~~other~~ users, from contracts with other state departments and agencies and

from money, goods or in-kind services donated or awarded to carry out the purposes of this Act.

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

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

Sec. 16. 1 MRSA §538, sub-§3, as enacted by PL 1997, c. 713, §1, is repealed and the following enacted in its place:

3. User records. Information in records of the network manager or collected by InforME relating to the identity of or use by users of electronic services is confidential and may be released only with the express permission of the user or pursuant to court order. This subsection does not affect the public record status of any records of data custodians regarding users.

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

In House of Representatives, 2011

Read twice and passed to be enacted.

..... Speaker

In Senate, 2011

Read twice and passed to be enacted.

..... President

Approved 2011

..... Governor