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123RD MAINE STATE LEGISLATURE
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Legislative Council Policy on Mass Emails

Policy Statement

The purpose of this policy is to ensure that mass emails distributed to others using legislative resources fulfill a legitimate legislative purpose, are appropriate for distribution and do not interfere with the efficient operation of the Legislature or its electronic communication systems.

Definition

For the purpose of this policy, the term “mass email” means any solicited or unsolicited electronic mailing in which a message is sent to a group of email address holders outside of the Legislature. It does not include individual email-based distribution or work-related email databases established by the Legislature or other units of government. It does not include email distribution lists created using Microsoft Outlook or Microsoft Exchange Server and maintained by the Legislature. “Unsolicited” email, sometimes referred to as “opt-out” email, does not include email to persons who have requested or agreed to receive email, persons with whom the legislative employee, legislative office or legislator has had contact on governmental matters, persons within the legislative branch or constituents within a legislator’s legislative district.

Acquiring Mass Email Software or Services

Software whose principal purpose is to amass and manage email addresses or to distribute mass emails, including mass email services provided by paid subscription, may be installed or used on legislative computer systems to transact legislative business only if the software or software services are purchased by the Legislature or other governmental entity.

The Office of Legislative Information Services (LIS) shall identify various commercial mass email software or services that fulfill a legitimate legislative purpose, are compatible with legislative systems and are cost-effective. After first having given notice to the presiding officer for that office, a partisan office may obtain and use an LIS-identified mass email subscription service for email list sizes of 2,500 or fewer addresses or software application. A partisan office that seeks to purchase a subscription to a mass email service for email lists having more than 2,500 addresses must obtain approval from the presiding officer for that additional service.

Use of Mass Email Software or Services

Use of mass email software or services by legislative employees, legislative offices or legislators constitutes an agreement that such use must at all times be in accordance with this

policy and any relevant provisions of law. Mass emails are subject to the provisions of 1MRSA §401 et seq. and, therefore, may be “public records,” subject to public inspection.

Use of mass email software or services by legislative employees, legislative offices or legislators is allowed if that use fulfills a legitimate legislative purpose, is consistent with this policy, is not otherwise prohibited and the mass email provides an “unsubscribe” mechanism that is readily visible and working to delete a recipient’s email address at his or her request. Legislative employees, legislative offices and legislators may establish listservs, newsgroups, discussion groups and other “opt-in” mass email distribution lists provided that they do not categorically exclude others from joining.

The Office of Legislative Information Services shall report quarterly to the Legislative Council on the use of mass email software and subscription services by legislative offices.

Prohibitions

Mass emails may not be used for commercial, private or personal purposes, including any non-legislature related solicitation of goods or services.

Mass emails may not be used for a campaign. For the purposes of this policy, the term “campaign” has the meaning given to it in 21-A MRSA §1052, sub-§1.

No legislative employee, legislative office or legislator may provide or cause to be provided mass email lists that were developed or maintained on legislative computer systems or for which the Legislature paid a subscription to any political party or organization or officer or employee of any political party or organization.

No legislative employee, legislative office or legislator may send unsolicited mass emails.

Effective Date

This policy takes effect immediately upon approval by the Legislative Council.

Adopted by the Legislative Council at its meeting on April 26, 2007.

BY: David E. Boutilier