

131st MAINE LEGISLATURE

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Legislative Document

No. 1007

H.P. 643

House of Representatives, March 7, 2023

An Act to Ban the Video Hosting Service TikTok on All State-owned Devices

(EMERGENCY)

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

ROBERT B. HUNT
Clerk

Presented by Representative CARLOW of Buxton.

Cosponsored by Representatives: ARDELL of Monticello, BABIN of Fort Fairfield, BLIER of Buxton, BOYER of Poland, MORRIS of Turner.

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, employees of the State are issued computers, cellular telephones and other necessary electronic devices to carry out their duties in their employment by the State; and

Whereas, certain software applications and programs such as TikTok represent a potential security risk as they may contain hidden and unknown capabilities to install spyware or otherwise compromise the integrity and security of official state communications and business that may be contained on state computers and devices; and

Whereas, employees of the State may have currently installed or used TikTok or other concerning software applications and programs in the absence of a policy or official restrictions against doing so; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 5 MRSA §20-A, sub-§4 is enacted to read:

- 4. Computers and other electronic devices. A computer or other electronic device owned by the State may not be used to access, contain or download any program, application or electronic service prohibited by the Commissioner of Administrative and Financial Services, in accordance with rules adopted by the commissioner. For purposes of this section, "electronic device" has the same meaning as in Title 16, section 647, subsection 3. Rules adopted pursuant to this subsection are routine technical rules under Title 5, chapter 375, subchapter 2-A.
- Sec. 2. Commissioner of Administrative and Financial Services to adopt rules to prohibit the video hosting service TikTok from all state computers and electronic devices. Pursuant to the Maine Revised Statutes, Title 5, section 20-A, subsection 4, the Commissioner of Administrative and Financial Services shall adopt rules to prohibit the use, presence or downloading of the video hosting service TikTok, owned by ByteDance Ltd., which is incorporated in the Cayman Islands, on any state computer or other electronic device.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

34 SUMMARY

This bill authorizes the Commissioner of Administrative and Financial Services to prohibit any program, application or electronic service on a state-owned computer or other electronic device and directs the commissioner to prohibit the access, presence or downloading of the video hosting service TikTok on all state computers and electronic devices.