

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

Date: (Filing No. H- )

**STATE AND LOCAL GOVERNMENT**

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
132ND LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1407, L.D. 2092, “An Act to Update Certain Terms and References Regarding Information Technology and Cybersecurity”

Amend the bill by striking out all of sections 5 and 6.

Amend the bill by striking out all of section 10.

Amend the bill in section 12 in subsection 1 in the 5th and 6th lines (page 2, lines 31 and 32 in L.D.) by striking out the following: "~~data processing information technology products, hardware, software~~" and inserting the following: 'data processing'

Amend the bill by striking out all of sections 13 to 17 and inserting the following:

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

**2. Develop training and development programs in data processing.** The Chief Information Officer, or the Chief Information Officer's designee, is responsible for developing training and development programs for state employees in data processing and for the implementation of these programs.

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

**3. Develop and administer written standards for data processing and telecommunications.** The Chief Information Officer, or the Chief Information Officer's designee, shall develop and administer written standards for data processing and telecommunications. These written standards pertain to:

- A. Acquisition of equipment;
- B. Acquisition of computer software and systems;
- C. Development of computer systems and computer programs;
- D. Computer operations; ~~and~~

**COMMITTEE AMENDMENT**

1 D-1. Information security and cybersecurity policies, procedures and related  
2 operations; and

3 E. Any other standards determined necessary by the Chief Information Officer ~~and the~~  
4 ~~board.~~

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

7 **§1975. Noncompliance**

8 The purchase of data processing equipment, software or services or internal systems  
9 development efforts may not be made except in accordance with this chapter. An agency  
10 may not purchase any data processing equipment, software or services without the prior  
11 written approval of the commissioner or the Chief Information Officer or the Chief  
12 Information Officer's designee. The State Controller may not authorize payment for data  
13 processing equipment, software or services without evidence of prior approval of the  
14 purchases by the commissioner or the Chief Information Officer or the Chief Information  
15 Officer's designee.

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

18 A. Purchases data processing equipment, software or services in noncompliance with  
19 this chapter; or

20 B. Fails to adhere to the data processing standards established by the commissioner  
21 and the Chief Information Officer or the Chief Information Officer's designee.

22 **2. Penalty.** Any state agency found to be in noncompliance as defined in this section  
23 is prohibited from acquiring or purchasing data processing equipment, software and  
24 services until the commissioner or the Chief Information Officer determines that the state  
25 agency is in compliance with this chapter.

26 Notwithstanding the provisions of this section, the commissioner or the Chief Information  
27 Officer may act to acquire or purchase data processing equipment, software and services  
28 to maintain or meet the emergency needs of a state agency.

29 **3. Cybersecurity services.** Notwithstanding the requirements of sections 1553 and  
30 1825-B, or any other statutory or regulatory provisions to the contrary, the Chief  
31 Information Officer, after reasonable investigation, may procure cybersecurity services on  
32 a retainer basis when determined necessary to ensure the State is prepared to detect, prevent  
33 and respond to cyberattacks.'

34 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
35 number to read consecutively.

36 **SUMMARY**

37 This amendment, which is the majority report of the committee, amends the bill by  
38 retaining certain language in current law governing the Department of Administrative and  
39 Financial Services, Office of Information Technology relating to the mission, duties and  
40 responsibilities of the office of the Chief Information Officer. The amendment also retains

COMMITTEE AMENDMENT “ ” to H.P. 1407, L.D. 2092

1 certain language in current law governing noncompliance by a state agency with  
2 requirements for the purchase of data processing equipment.

3

**FISCAL NOTE REQUIRED**

4

**(See attached)**