

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **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 premiumelectronic 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, established to provide access to electronic services through InforME and to maintain, develop, operate and expand InforME on a continuing basis.

**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 chargeaccess 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 personan 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** is enacted to read:

**6-A. User.** "User" means an individual, business or organization who 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 ~~H~~ 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 for electronic services;

**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 amended to read:

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

**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.

## **SUMMARY**

This bill amends the InforME Public Information Access Act to add definitions of "fee service," "portal fee" and "user" to allow InforME to maintain and expand access to electronic services. The bill also clarifies which InforME user records are confidential and changes InforME's fiscal year to coincide with the calendar year.