

**§534. InforME Board**

**1. Membership.** The InforME Board, as established in Title 5, section 12004-G, subsection 30-A, consists of 15 voting members and 2 nonvoting, advisory members as follows:

- A. The Secretary of State or the Secretary of State's designee; [PL 1997, c. 713, §1 (NEW).]
- B. Three members who are chief executive officers of agencies of the executive branch that are major data custodians, who are appointed by the Governor and who serve at the pleasure of the Governor, or their designees; [PL 1997, c. 713, §1 (NEW).]
- C. A representative of each of the following:
  - (1) The University of Maine System, appointed by the chancellor;
  - (2) A statewide association of municipalities, appointed by the Governor from nominations made by the association's governing body;
  - (3) Nonprofit or user organizations advancing citizens' rights of access to information, appointed by the Governor; and
  - (4) A statewide association of public librarians, appointed by the Governor from nominations made by the association's governing body.

The term for members appointed pursuant to this paragraph is 3 years; [PL 1997, c. 713, §1 (NEW).]

D. Two members from user associations of a statewide character appointed by the Governor. After the initial appointments, the Governor shall appoint user association members from a list of not less than 6 user association representatives compiled by the board. No 2 members appointed pursuant to this paragraph may represent the same user association. The terms for the members appointed pursuant to this paragraph are for a period of 3 years, except initially, when terms are for one, 2 and 3 years respectively; [PL 2005, c. 5, §1 (AMD).]

E. The Commissioner of Administrative and Financial Services or the commissioner's designee; [PL 2001, c. 388, §1 (AMD).]

F. The State Librarian or the State Librarian's designee; [PL 1997, c. 713, §1 (NEW).]

G. Two public members, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives; [PL 1997, c. 713, §1 (NEW).]

H. A representative of the membership or staff of the Judicial Department, appointed by the Chief Justice of the Supreme Judicial Court, who serves as a nonvoting member; [PL 2005, c. 5, §2 (AMD).]

I. The chief executive officer or designee of the private entity under contract as the network manager who serves as a nonvoting member; and [PL 2005, c. 5, §2 (AMD).]

J. The Chief Information Officer of the Department of Administrative and Financial Services or the Chief Information Officer's designee. [PL 2005, c. 5, §3 (NEW).]

A member who designates another person to serve on the board as that member's designee shall provide written notice to the board staff of the name and title of the designee.

Appointing authorities shall make their appointments and provide written notice of the appointments to the board staff no later than September 1, 1998.

[PL 2005, c. 5, §§1-3 (AMD).]

**2. Board chair.** The Governor shall appoint one member of the board as chair. [PL 2007, c. 37, §1 (AMD).]

**3. Staff.** The Department of Administrative and Financial Services, Office of Information Technology shall provide staff to the board.

[PL 2007, c. 37, §2 (AMD).]

**4. Quorum; action.** Eight voting members of the board constitute a quorum. The affirmative vote of 8 members is necessary for any action taken by the board. A vacancy in the membership of the board does not impair the right of a quorum to exercise all the powers and perform the duties of the board. The board may use video conferencing and other technologies to conduct its business, but is not exempt from chapter 13, subchapter I.

[PL 1997, c. 713, §1 (NEW).]

**5. Duties.** The board shall:

A. Carry out the purposes of InforME as provided in section 533; [PL 1997, c. 713, §1 (NEW).]

B. Approve the criteria and specifications for a network manager and its duties developed by the Chief Information Officer within the Department of Administrative and Financial Services; [PL 2007, c. 37, §3 (AMD).]

C. Approve the contract with the network manager; [PL 1997, c. 713, §1 (NEW).]

D. Establish InforME policies and performance criteria and review and approve strategic plans submitted by the network manager; [PL 1997, c. 713, §1 (NEW).]

E. Assess the performance of the network manager; [PL 1997, c. 713, §1 (NEW).]

F. Approve 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 as a premium service; [PL 2011, c. 321, §8 (AMD).]

G. Review revenue and expenditures and approve 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 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; [PL 2011, c. 321, §9 (AMD).]

H. Develop and implement a mechanism to resolve disputes involving the network manager and data custodians, users or subscribers; [PL 1997, c. 713, §1 (NEW).]

I. Approve interagency agreements that affect electronic services; [PL 2011, c. 321, §10 (AMD).]

J. Approve service level agreements between data custodians and the network manager, except that, agreements between the legislative or judicial branches and the network manager do not require approval; [PL 1997, c. 713, §1 (NEW).]

K. Adopt rules pursuant to the Maine Administrative Procedure Act to carry out this chapter. Notwithstanding Title 5, section 8071, subsection 2, rules adopted pursuant to this paragraph are routine technical rules; [PL 2003, c. 406, §7 (AMD).]

L. Report annually beginning January 1, 1999 to the joint standing committee of the Legislature having jurisdiction over state government matters. The report must include a complete list of services offered through the InforME system, the fees associated with services and the criteria used to determine which services are offered as premium services. In its January 1, 1999 report, the board must also include an analysis of the feasibility of offering premium services at no charge to depository libraries or other libraries in the State; and [PL 2003, c. 406, §7 (AMD).]

M. Authorize the network manager to collect funds pursuant to section 533, subsection 10 for information and electronic services provided and transactions conducted electronically. [PL 2003, c. 406, §8 (NEW).]

[PL 2011, c. 321, §§8-10 (AMD).]

**6. Meetings.** The board shall meet at the call of the chair but not less than quarterly. [PL 1997, c. 713, §1 (NEW).]

**7. Compensation.** Board members are entitled to compensation pursuant to Title 5, chapter 379. [PL 1997, c. 713, §1 (NEW).]

#### SECTION HISTORY

PL 1997, c. 713, §1 (NEW). PL 2001, c. 388, §1 (AMD). PL 2003, c. 406, §§6-8 (AMD). PL 2005, c. 5, §§1-3 (AMD). PL 2007, c. 37, §§1-3 (AMD). PL 2011, c. 321, §§8-10 (AMD).

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