

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

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No. 1047

H.P. 743

House of Representatives, March 12, 1991

Submitted by the Department of Conservation pursuant to Joint Rule 24.
Received by the Clerk of the House on March 8, 1991. Referred to the Committee on Energy and Natural Resources and 1400 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

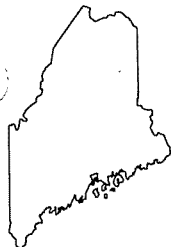
Presented by Representative FOSS of Yarmouth.

Cosponsored by Representative BAILEY of Farmington and Representative MICHAUD of East Millinocket.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**An Act to Amend and Add to Certain Provisions of Geographic-based
Information Services.**



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

2
3 Sec. 1. 12 MRSA c. 218, first 2 lines, as amended, are repealed
4 and the following enacted in their place:

6 CHAPTER 218

8 GEOGRAPHIC INFORMATION SYSTEM

10 Sec. 2. 12 MRSA §1751, as enacted by PL 1985, c. 457, §6, is
12 repealed.

14 Sec. 3. 12 MRSA §1751-A is enacted to read:

16 §1751-A. Definitions

18 As used in this chapter, unless the context otherwise
indicates, the following terms have the following meanings.

20 1. Administrator. "Administrator" means the Administrator
of the Office of Geographic Information Systems.

22 2. Commissioner. "Commissioner" means the Commissioner of
24 Conservation.

26 3. Geographic information system. "Geographic information
system" or "GIS" means an entire formula, pattern, compilation,
28 program, device, method, technique, process, digital data base or
system that electronically records, stores, reproduces and
30 manipulates by computer geographic information system data.

32 4. Geographic information system data. "Geographic
information system data" or "GIS data" means geographic
34 information that has been compiled and digitized for use in a
geographic information system by a state agency, either alone or
36 in cooperation with other agencies.

38 5. Geographic information system services. "Geographic
information system services" or "GIS services" means the process
40 of gathering, storing, maintaining and providing geographic
information system data for geographic information systems.
42 "Geographic information system services" or "GIS services" does
not include general purpose data processing services.

44 6. Office. "Office" means the Office of Geographic
46 Information Systems.

48 Sec. 4. 12 MRSA §1752, as enacted by PL 1985, c. 457, §6, is
50 amended to read:

52 §1752. Established

2 The Seetien Office of Geographic Based Information Services
Systems is established within the Department of Conservation.

4 Sec. 5. 12 MRSA §1753, as enacted by PL 1985, c. 457, §6, is
repealed.

6 Sec. 6. 12 MRSA §1753-A is enacted to read:

8 §1753-A. Powers

10 The Department of Conservation through the office shall:

12 1. Geographic information system. Establish, maintain and
14 operate a geographic data base information center, develop and
16 administer standards, subject to the approval of the Information
18 Services Policy Board, and provide geographic information system
services to the public;

20 2. GIS data repository. Create a GIS data repository for
22 the proper management of GIS data and ensure the GIS data are
24 documented, including ownership. Data must be stored and managed
in a manner that facilitates the evolution of a distributed
agency GIS network;

26 3. Data ownership. Maintain GIS base map data and other
28 multipurpose data not specific to any state agency. All other
30 GIS data is owned by the agency originally compiling the mapped
data that were digitized for the GIS. Data owners are
responsible for updating their GIS data and certifying its
accuracy;

32 4. Accuracy level. Ensure that GIS data added to the GIS
34 data repository are developed and maintained at an accuracy level
36 and in a format that meets the GIS data standards, kept in a
format that is compatible with the GIS and, upon request of a
potential user, made available to the user;

38 5. Charges. Levy appropriate charges to those utilizing
40 the services provided by the office. The charges must be fixed
42 in a schedule or schedules prepared and revised as necessary by
the Information Services Policy Board. The schedule of charges
must be supported and explained by accompanying information;

44 6. Coordination with Office of Information Services.
46 Consult with and coordinate systems, programs, personnel,
48 services and requirements with the Office of Information Services
at intervals not to exceed one year to avoid overlap and
duplication; and

50 7. Consultation with Information Services Policy Board.
Consult with the Information Services Policy Board on all major

2 policy issues, including fee schedules related to the management
3 of GIS data and development of GIS data standards.

4 Sec. 7. 12 MRSA §1754, as enacted by PL 1985, c. 457, §6, is
5 amended to read:

6 **§1754. Intergovernmental cooperation and assistance**
7

8 The ~~director~~ administrator, with the approval of the
9 commissioner, may enter into such agreements with the other
10 agencies and organizations as will promote the objectives of this
11 chapter and accept funds from ~~the--agencies--and--the--Federal--~~
12 Government public and private organizations to be expended for
13 purposes consistent with this chapter.

14 Sec. 8. 12 MRSA §1755, as enacted by PL 1985, c. 457, §6, is
15 repealed.

16 Sec. 9. 12 MRSA §§1756 and 1757 are enacted to read:

17 **§1756. Licensing agreements**
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19 GIS data are subject to licensing agreements and must be
20 made available only in accordance with this chapter and upon
21 payment of fees established under this chapter. The licensing
22 agreement must protect the security and integrity of the GIS
23 data, limit the liability of the data owners and the office
24 providing the services and products and identify the source of
25 the GIS data.

26 **§1757. Priority of responsibilities**
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28 The activities authorized under this chapter do not take
29 priority over the primary responsibilities of the public agency.
30 If there are not sufficient financial or personnel resources for
31 the office to perform certain GIS services and deliver GIS data
32 and products as provided in this chapter, the administrative
33 management functions related to the office, technical support for
34 other state agency GIS users, office equipment maintenance and
35 GIS data base management must take precedence.

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STATEMENT OF FACT

53 Maine's geographic information system, or GIS, data base is
54 growing rapidly and currently is stored and managed at the GIS
55 facility administered by the Department of Conservation. This
56 data base includes statewide data layers digitized by the Maine
57 Low-level Radioactive Waste Authority and a portion of the
58 State's base map. At this time, the department's GIS facility is
59 the only facility in State Government with the computers,
60 software and expertise to manage effectively the data base.

2 Ultimately, the Governor's GIS Steering Committee envisions
4 a distributed GIS network in State Government that provides
6 information and processing to GIS users in a decentralized
8 manner. This network will evolve over a long period of time as
10 agencies gradually phase GIS technology into their programs. In
 the meantime, agencies are using the department's facility to
 conduct GIS pilot projects, as a focal point for managing
 contracts to digitize the State's base map and as a GIS data
 repository.

12 There is an immediate need to formalize data management
14 responsibilities due to the large volume of collected GIS data.
16 A more formal arrangement is necessary to ensure the integrity of
18 the Maine GIS data base and respond consistently to requests for
20 GIS data from the public. Many requests for GIS information will
22 come from municipalities involved in comprehensive planning. The
24 vision and goals of the GIS Steering Committee as presented in
 the 1990 strategic plan titled, "Toward a Statewide Geographic
 Information System" reflect the need to provide towns with timely
 delivery of accurate geographic information. This bill
 establishes formal GIS data management responsibilities in the
 Office of Geographic Information Systems within the Department of
 Conservation.

26 To accomplish the purposes of this bill, the Office of
28 Geographic Information Systems needs formal guidance with regard
30 to policy, for example, the setting of standards and fees. The
32 Information Services Policy Board is authorized by law to
34 establish fees and standards for agency information systems.
36 With greater representation by the natural resource agencies, the
 board will be in a position to serve certain state GIS needs. In
 addition, the Governor's GIS Steering Committee, consisting of
 representatives from state and federal agencies, municipal
 government, the Legislature and the private sector, will remain
 active and serve in an advisory capacity to the Information
 Services Policy Board on GIS issues.