

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2002

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Legislative Document

No. 2116

H.P. 1617

House of Representatives, February 19, 2002

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### **An Act to Establish the Maine Public Library of Geographic Information.**

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Reported by Representative COWGER for the Joint Standing Committee on Natural Resources pursuant to Resolve 2001, chapter 23.

Reference to the Joint Standing Committee on Natural Resources suggested and printing ordered under Joint Rule 218.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

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

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Sec. 1. 5 MRSA c. 158, sub-c. II-B is enacted to read:

SUBCHAPTER II-B

MAINE PUBLIC LIBRARY OF GEOGRAPHIC INFORMATION

§1890-I. Short title

This subchapter may be known and cited as the "Maine Public Library of Geographic Information Act."

§1890-J. Definitions

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

1. Association. "Association" means an organization:

A. Whose membership is identifiable by regular payment of organizational dues and regularly maintained membership lists;

B. That is registered with the State or is a corporation in the State; and

C. That exists for the purpose of advancing the common occupation or profession of its membership.

2. Data custodian. "Data custodian" means a federal data custodian, state data custodian or nonstate data custodian.

3. Federal data custodian. "Federal data custodian" means any branch, agency or instrumentality of the Federal Government.

4. Geographic information board. "Geographic information board" means the Maine Public Library of Geographic Information Board.

5. Geographic information system. "Geographic information system" or "GIS" means a computer system capable of assembling, storing, manipulating, analyzing and displaying information identified according to locations. A GIS includes operating personnel, hardware, software and the data that go into the system.

6. Maine Public Library of Geographic Information. "Maine Public Library of Geographic Information" or "library" means the statewide network officially sanctioned by the Legislature

2 through this Act by which data custodians or their designees  
3 organize, catalog and provide access to public geographic  
4 information to all levels of government and to the public.

6 7. Nonstate data custodian. "Nonstate data custodian"  
7 means any agency or instrumentality of a political subdivision of  
8 the State.

10 8. Public geographic information. "Public geographic  
11 information" means public information that is referenced to a  
12 physical location. Public geographic information includes, but  
13 is not limited to, physical, legal, economic or environmental  
14 information or characteristics concerning land, water,  
15 groundwater, subsurface resources or air in this State relating  
16 to:

18 A. Topography, soil, soil erosion, geology, minerals,  
19 vegetation, land cover, wildlife and associated natural  
20 resources;

22 B. Land ownership, land use, land use controls and  
23 restrictions, jurisdictional boundaries, tax assessment,  
24 land value and land survey records and references; and

26 C. Geodetic control networks, aerial photographs, maps,  
27 planimetric data, remote sensing data, historic and  
28 prehistoric sites and economic projections.

30 9. Public information. "Public information" means  
31 information that is stored, gathered, generated, maintained or  
32 financed by a data custodian. Information of state and nonstate  
33 data custodians is public information only if it is either:

34 A. A public record under Title 1, section 402, subsection  
35 3; or

37 B. Otherwise expressly authorized by law to be released.

39 The presence of data in the library does not, by itself, make  
40 that information a public record.

42 10. State data custodian. "State data custodian" means any  
43 branch, agency or instrumentality of State Government.

45 11. State funds. "State funds" means bond revenues and  
46 money appropriated or allocated by the Legislature.

48 1890-K. Maine Public Library of Geographic Information Board

2 1. Purposes and duties. The Maine Public Library of  
3 Geographic Information Board, as established by section 12004-G,  
4 subsection 30-B, has the following purposes and duties:

5  
6 A. To oversee the Maine Public Library of Geographic  
7 Information to ensure that it operates as a coordinated,  
8 cost-effective electronic gateway providing public access to  
9 data custodians' public geographic information. Nothing in  
10 this paragraph may be construed to affect the rights of  
11 persons to inspect or copy public records under Title 1,  
12 chapter 13, subchapter I, or the duty of data custodians to  
13 provide for public inspection and copying of those records:

14 B. To establish and maintain standards, rules and policies  
15 for nonstate data custodians' geographic information that is  
16 incorporated into the Maine Public Library of Geographic  
17 Information. These standards, rules and policies must be  
18 consistent with the standards, rules and policies set by the  
19 Information Services Policy Board established in section  
20 1891 that govern state data custodians' information  
21 technology. The geographic information board shall adopt  
22 rules to carry out this subchapter. Rules adopted pursuant  
23 to this paragraph are routine technical rules as defined in  
24 chapter 375, subchapter II-A. Standards and policies may  
25 concern, without limitation:

26 (1) Methods of access and delivery of information held  
27 by the library;

28  
29 (2) Geographic information system technical  
30 specifications;

31  
32 (3) Data content, metadata and security, including  
33 guideline criteria for accepting 3rd-party data from  
34 data custodians or data volunteered by the private  
35 sector;

36  
37 (4) Privacy and privacy protection;

38  
39 (5) Mechanisms to correct inaccuracies; and

40  
41 (6) Data validation tools and processes;

42  
43 C. To reduce redundancies in the creation, verification and  
44 maintenance of public geographic information and to enhance  
45 its utility for complex analyses.

46  
47 (1) Each state data custodian, or its designee, that  
48 acquires, purchases, verifies, maintains or produces  
49 geographic information with state funds or grants shall:  
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2                   (a) Inform the geographic information board and  
4                   the Office of Geographic Information Systems of  
                    the existence of this information and its  
6                   geographic extent; and

8                   (b) Upon request, provide to the library and  
10                  office an electronic copy of all information  
                    classified as public, in a form compatible with  
                    Information Services Policy Board standards.

12                  (2) Each nonstate data custodian, or its designee,  
14                  that acquires, purchases, verifies, maintains or  
                    produces geographic information with state funds  
16                  specifically provided for that purpose shall:

(a) Inform the geographic information board and  
18                    the Office of Geographic Information Systems of  
                    the existence of this information and its  
20                    geographic extent; and

(b) Upon request, provide to the library and  
22                    office an electronic copy of all information  
24                    classified as public, in a form compatible with  
                    Information Services Policy Board standards;

26                  D. To set priorities and authorize the expenditure of state  
28                  funds, including awarding of grants or subgrants to data  
30                  custodians when available. The geographic information board  
32                  may seek federal and other funding partners, accept gifts  
                    and grants and expend the funds acquired for purposes  
                    consistent with this Act;

34                  E. To promote innovative uses of geographic information  
36                  through the provision of verified, coordinated,  
38                  intergovernmental information via the Maine Public Library  
40                  of Geographic Information. The geographic information board  
42                  shall seek advice from the general public, professional  
                    associations, academic groups and institutions and  
                    individuals with knowledge of and interest in geographic  
                    information regarding needed information and potential  
                    innovative uses of geographic information;

44                  F. To enter partnerships to promote the purposes of this  
46                  Act;

48                  G. To hear and resolve disputes that may arise between data  
50                  custodians or with respect to information to be placed in  
                    the Maine Public Library of Geographic Information,  
                    enforcement of geographic information board standards, rules

2 or policies or other related matters. Complainants may  
3 directly present their case to the geographic information  
4 board, which has the power to hold investigations, inquiries  
5 and hearings concerning matters brought to its attention and  
6 to make decisions with respect to the case. All interested  
7 parties must be given reasonable notice of the hearing and  
8 an opportunity to be heard. Hearings must be open to the  
9 public;

10 H. To conduct studies relating to the coordination,  
11 development and use of statewide geographic information; and

12 I. To report annually beginning January 1, 2004 to the  
13 joint standing committees of the Legislature having  
14 jurisdiction over natural resources matters, and state and  
15 local government matters. The report must provide a review  
16 the past year's activities, including, but not limited to, a  
17 description of standards adopted, data added to the library,  
18 partnerships established, disputes addressed, studies  
19 conducted and financial activity. The library shall also  
20 make this report available to the public. This report may  
21 also include suggested legislative language intended to  
22 address geographic information issues needing legislative  
23 action.

24 2. Membership. The geographic information board consists  
25 of 15 voting members as follows:

26 A. The Commissioner of Administrative and Financial  
27 Services or the commissioner's designee;

28 B. The Chief Information Officer or the Chief Information  
29 Officer's designee;

30 C. Two members, or their designees, who are responsible for  
31 overseeing GIS functions of state departments that are data  
32 custodians of geographic information, appointed by the  
33 Governor;

34 D. Eight representatives as follows:

35 (1) A representative of the University of Maine  
36 System, appointed by the Chancellor of the University  
37 of Maine System;

38 (2) Two representatives of a statewide association of  
39 municipalities, one representative appointed by the  
40 President of the Senate from nominations made by the  
41 association's governing body and one representative

2 appointed by the Speaker of the House from nominations  
3 made by the association's governing body;

4 (3) One representative of a statewide association of  
5 regional councils, appointed by the Speaker of the  
6 House from nominations made by the State Planning  
7 Office within the Executive Department;

8  
9 (4) One representative of a statewide association of  
10 counties, appointed by the Governor from nominations  
11 made by the association's governing body;

12  
13 (5) One representative of a statewide association  
14 representing real estate and development interests,  
15 appointed by the President of the Senate;

16  
17 (6) One representative of a statewide association  
18 representing environmental interests, appointed by the  
19 Speaker of the House; and

20  
21 (7) One member representing public utilities,  
22 appointed by the Governor;

23  
24 E. Two members of the private sector representing  
25 geographic information vendors, one member appointed by the  
26 President of the Senate and one member appointed by the  
27 Speaker of the House; and

28  
29 F. One public member, appointed by the President of the  
30 Senate.

31  
32 The terms for the members appointed pursuant to paragraph D are  
33 for a period of 3 years, except that initially the terms for  
34 members appointed pursuant to paragraph D, subparagraphs (1), (2)  
35 and (3) are for 2 years; the terms for members appointed pursuant  
36 to paragraph D, subparagraphs (4) and (5) are for 3 years; and  
37 the terms for members appointed pursuant to paragraph D,  
38 subparagraphs (6) and (7) are for 4 years. The term for members  
39 appointed pursuant to paragraphs E and F is for 3 years. A  
40 member who designates another person to serve on the geographic  
41 information board as that member's designee shall provide written  
42 notice to the geographic information board's staff of the name  
43 and title of the designee. Appointing authorities shall make  
44 their initial appointments and provide written notice of the  
45 appointments to the geographic information board's staff no later  
46 than September 1, 2002.

47  
48 3. Board chair. The geographic information board shall  
49 annually elect a chair from its membership at the first meeting  
50 in each year.



2           4. Staff. Staff support to the geographic information  
board is provided by the Department of Administrative and  
4           Financial Services.

6           5. Quorum; action. Eight members of the geographic  
information board constitute a quorum. The affirmative vote of 7  
8           members is necessary for any action taken by the geographic  
information board. A vacancy in the membership of the geographic  
10          information board does not impair the right of a quorum to  
exercise all the powers and perform the duties of the geographic  
12          information board. The geographic information board may use  
video conferencing and other technologies to conduct its business  
14          but is not exempt from Title 1, chapter 13, subchapter I.

16          6. Meetings. The geographic information board shall meet at  
the call of the chair but not less than quarterly. Notice must  
18          be provided no less than 5 working days prior to the meeting.  
Notice may be in writing by facsimile or electronic transmission.

20          7. Memorandum of understanding. Information to be provided  
22          by a nonstate data custodian or its designee to the Maine Public  
Library of Geographic Information is governed by a memorandum of  
24          understanding between the geographic information board or its  
designee and the nonstate data custodian or its designee.

26          8. Data custodian responsibilities. Federal and nonstate  
28          data custodians may voluntarily contribute data to the Maine  
Public Library of Geographic Information, except that data  
30          developed with state funds must be submitted to the library.  
Data custodians or their designees are responsible for:

32                   A. Ensuring that the public information is accurate,  
34                   complete and current through the creation of adequate  
procedures;

36                   B. Updating source databases following verification of  
38                   suggested corrections that users submit in accordance with  
geographic information board standards;

40                   C. Complying with standards adopted by the geographic  
42                   information board; and

44                   D. Providing reasonable safeguards to protect  
46                   confidentiality.

#### 48           §1890-L. Liability

50           The geographic information board and any of the parties  
submitting data to the Maine Public Library of Geographic

2 Information for public use may not be held liable for any use of  
3 those data.

4 **§1890-M. Copyrights and fees**

6 Copyright or licensing restrictions may not be fixed by the  
7 geographic information board or data custodians to the  
8 information made available through the Maine Public Library of  
9 Geographic Information. The geographic information board may set  
10 fees for electronic copies of library data that are no more than  
11 3 times the actual cost of reproduction. Fee schedules must be  
12 set annually and made readily available to requestors.

14 **Sec. 2. 5 MRSA §12004-G, sub-§30-B** is enacted to read:

16	<b>30-B.</b>	<u>Maine Public</u>	<u>Expenses</u>	<u>5 MRSA</u>
17	<u>Public</u>	<u>Library of</u>	<u>Only</u>	<u>§1890-K</u>
18	<u>Information</u>	<u>Geographic</u>		
19		<u>Information</u>		
20		<u>Board</u>		

22

**SUMMARY**

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25 This bill creates the Maine Public Library of Geographic  
26 Information.