

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

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OCTOBER 9, 1991

PUBLISHED BY THE REVISOR OF STATUTES  
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TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1991

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
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**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

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1956 in excess of the limits established for the system in this section;

(2) No single axle of a tandem axle unit may support more than 60% of the total weight supported by that tandem axle unit. It ~~shall~~ is not ~~be~~ deemed a violation of this subparagraph if neither axle of a tandem axle unit exceeds the weight legally allowed on a single axle unit of that vehicle;

(3) No single axle of a tri-axle unit may support more than 40% of the total weight supported by that tri-axle unit; and

(4) The gross weight of a vehicle ~~shall~~ may not be increased by the addition of a trailing axle, so called, unless that axle supports at least 50% of the added weight permitted by the addition of that trailing axle.

**Sec. 8. 29 MRSA §1655, 3rd ¶**, as repealed and replaced by PL 1989, c. 528, §§8 and 16, is amended to read:

A vehicle or combination of vehicles may be operated or caused to be operated on the Interstate Highway System, as defined in the Federal Aid Highway Act of 1956, with a gross weight ~~which~~ that exceeds 73,280 pounds, if such gross weight permitted by this section does not exceed ~~the formula in~~ that permitted by section 1652.

See title page for effective date.

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## CHAPTER 308

H.P. 1232 - L.D. 1796

### An Act to Modify the Maine Land Use Regulation Commission Requirements Relating to Deer Wintering Areas

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

**12 MRSA §685-A, sub-§6, ¶B**, as amended by PL 1975, c. 497, §3, is further amended to read:

B. In absence of agreement, in addition to the other requirements of this subchapter, a wildlife biologist of the Department of Inland Fisheries and Wildlife shall substantiate the proposed protection district or subdistrict for wintering habitat; by the results of on-the-ground observation during or following a period of winter conditions when such areas are used for cover by the deer.

See title page for effective date.

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## CHAPTER 309

H.P. 743 - L.D. 1047

### 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:**

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

#### CHAPTER 218

#### GEOGRAPHIC INFORMATION SYSTEM

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

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

#### §1751-A. Definitions

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

**1. Administrator.** “Administrator” means the Administrator of the Office of Geographic Information Systems.

**2. Commissioner.** “Commissioner” means the Commissioner of Conservation.

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

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

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

**6. Office.** “Office” means the Office of Geographic Information Systems.

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

**§1752. Established**

The ~~Section~~ Office of Geographic Based Information ~~Services Systems~~ is established within the Department of Conservation.

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

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

**§1753-A. Powers**

The Department of Conservation through the office shall:

**1. Geographic information system.** Establish, maintain and operate a geographic data base information center, develop and administer standards, subject to the approval of the Information Services Policy Board, and provide geographic information system services to the public. A request to provide the Legislature or an office of the Legislature with existing information for policy decision-making purposes must be considered high priority;

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

**3. Data ownership.** Maintain GIS base map data and other multipurpose data not specific to any state agency. All other GIS data are 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;

**4. Accuracy level.** Ensure that GIS data added to the GIS data repository are developed and maintained at an accuracy level 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;

**5. Charges.** Levy appropriate charges to those utilizing the services provided by the office, except that charges may not be levied to the Legislature for existing information. The charges must be fixed 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;

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

**7. Consultation with Information Services Policy Board.** Consult with the Information Services Policy Board on all major policy issues, including fee schedules related to the management of GIS data and development of GIS data standards.

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

**§1754. Intergovernmental cooperation and assistance**

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

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

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

**§1756. Licensing agreements**

GIS data are subject to licensing agreements and must be made available only in accordance with this chapter and upon payment of fees established under this chapter. The licensing agreement must protect the security and integrity of the GIS data, limit the liability of the data owners and the office providing the services and products and identify the source of the GIS data.

**§1757. Priority of responsibilities**

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

See title page for effective date.

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**CHAPTER 310**

**H.P. 775 - L.D. 1107**

**An Act to Clarify the Appointment and Dismissal of the Warden of the Maine State Prison**

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