

# 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

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
OCTOBER 9, 1991

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
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**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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**Sec. 5. 12 MRSA §1753**, as enacted by PL 1985, c. 457, §6, is repealed.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

34-A MRSA §3231, sub-§1, as amended by PL 1985, c. 785, Pt. B, §154, is repealed.

See title page for effective date.

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## CHAPTER 311

H.P. 1161 - L.D. 1702

### An Act to Clarify the Role of the Maine Youth Center

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

**Sec. 1. 34-A MRSA §3802, sub-§2**, as enacted by PL 1983, c. 459, §6, is amended to read:

**2. Accomplishment.** To accomplish the purposes set out in subsection 1, the disciplines of education, case-work, group work, psychology, psychiatry, medicine, nursing, vocational training and religion as they are related to human relations and personality development ~~shall~~ must be employed. Security measures, whether in the form of physically restrictive construction or intensive staff supervision, when appropriate, may be taken to accomplish these purposes.

**Sec. 2. 34-A MRSA §3805**, as amended by PL 1983, c. 581, §§47 and 59, is further amended to read:

#### §3805. Commitment

**1. Eligibility.** Only a juvenile, as defined in Title 15, section 3003, subsection 14, who is 11 years of age or older at the time of ~~the court's disposition of the case~~ commitment may be committed to the center pursuant to this subchapter and Title 15, Part 6.

**2. Limitations.** No person may be detained at or committed to the center who is blind or who is a proper subject for any state institution administered by residential services provided by or through the Department of Mental Health and Mental Retardation.

**3. Certification.** When a person is detained at or committed to the center, the court making the detention or commitment shall certify on the mittimus the person's birthplace, parentage and legal residence.

See title page for effective date.

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## CHAPTER 312

H.P. 1027 - L.D. 1500

### An Act to Amend Certain Laws Governing Hazardous Waste, Septage and Solid Waste Management to Include a Land Acquisition and Eminent Domain Provision for the Remediation of Hazardous Substances and to Provide for the Reimbursement of Expenditures Made for the Acquisition of Property

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

**Sec. 1. 38 MRSA §1364, sub-§5**, as repealed and replaced by PL 1991, c. 66, Pt. A, §40, is amended to read:

**5. Mitigation.** The commissioner may take whatever action necessary to abate, clean up or mitigate the threats or hazards posed or potentially posed by an uncontrolled site or to protect the public health, safety or welfare or the environment, including administering or carrying out measures to abate, clean up or mitigate the threats or hazards, and implementing remedies to remove, store, treat, dispose of or otherwise handle hazardous substances located in, on or over an uncontrolled site, including soil and water contaminated by hazardous substances. When the necessary action includes the installation of a public water supply or the extension of mains of an existing water utility, the department's obligation is limited to construction of those works that are necessary to furnish the contaminated or potentially contaminated properties with a supply of water sufficient for existing uses. The department is not obligated to contribute to a water utility's system development charge, nor to provide works or water sources exceeding those required to abate the threats or hazards posed by the uncontrolled site. The department may pay the costs of operation, maintenance and depreciation of the works or water supply for a period not exceeding 20 years if funds are available from Other Special Revenue or proceeds from the sale of bonds.

**Sec. 2. 38 MRSA §1364, sub-§7** is enacted to read:

**7. Acquisition of property; authority.** The department may acquire, by purchase, lease, condemnation, donation or otherwise, any real property or any interest in real property that the board in its discretion determines, by 2/3 majority vote, is necessary to conduct remedial actions in response to threats or hazards posed or potentially posed by an uncontrolled site, including, but not limited to:

A. Actions to prevent further threats or hazards and to mitigate or terminate the threats or hazards;