

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4

J.S. McCarthy Company
Augusta, Maine
1995

of financial condition; the bond or deposit must be at least \$100,000.

Self-insurers that are unable to meet the preceding standards shall deposit acceptable funds or a surety bond in that amount produced by the formula described in this paragraph written by a corporate surety that meets the qualifications prescribed by rules adopted by the superintendent. The minimum security deposit or bond amount may be adjusted for applicable levels of working capital funds if the self-insurer was eligible to make an alternative election, under Statement of Financial Accounting Standard No. 106, Employers' Accounting for Postretirement Benefits Other Than Pensions, that would have otherwise caused the self-insurer to have both positive net earnings for at least 3 of the 5 latest fiscal years, including one of the 2 most recent years, and mean annual earnings for the 5 latest fiscal years equal to the normal annual premium for the prospective fiscal coverage period.

Within 30 days after notice by the superintendent, the self-insurer shall post the deposit indicated. This deadline may be extended by the superintendent for good cause, but in no event may exceed one year from the deadline for compliance as stated in the notice given to the self-insurer.

A bond or security deposit in excess of the amount prescribed by this subsection may be required if the superintendent determines that the self-insurer has experienced a deterioration in financial condition that adversely affects the self-insurer's ability to pay expected losses.

No judgment creditor other than claimants for benefits under this Act has a right to levy upon the self-insurer's assets held in deposit pursuant to this paragraph.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective May 25, 1995.

CHAPTER 151

H.P. 134 - L.D. 182

An Act to Increase Safety in Highway Construction and Work Maintenance Areas

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the work environment along the State's highways is dangerous and the protection of employees who must work in this environment is paramount; and

Whereas, speed is a major factor in accidents in construction and maintenance zones; and

Whereas, the construction and maintenance season begins in the early summer; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 29-A MRSA §2075, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Public ways under construction. The Commissioner of Transportation may restrict the speed limit on a public way under construction or during maintenance and the Executive Director of the Maine Turnpike Authority may restrict the speed limit on any portion of the turnpike under construction or during maintenance when a lower rate of speed would minimize the danger of accident. A person may not operate a motor vehicle in excess of these speeds, as long as notice of the maximum speed has been given by standard black and white speed limit signs on the way. ~~This subsection does not apply to the Maine Turnpike.~~ Signs erected pursuant to this subsection must be covered or removed during hours when the speed limit is not restricted.

The penalty for a violation of this subsection is a fine equal to twice the amount of the fine designated in accordance with Title 4, section 164, subsection 12 for a similar speeding violation under section 2073.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective May 25, 1995.

CHAPTER 152

H.P. 861 - L.D. 1192

An Act Concerning the Office of Geographic Information Systems

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

Sec. 1. 5 MRSA §1886, sub-§6, as amended by PL 1991, c. 780, Pt. Y, §88, is further amended to read:

6. Maintain central data processing services. The director through the Division of Data Processing shall maintain and operate central data processing services and geographic information systems pursuant to subchapter II-A.

Sec. 2. 5 MRSA c. 158, sub-c. II-A is enacted to read:

SUBCHAPTER II-A

GEOGRAPHIC INFORMATION SYSTEMS

§1890-C. Definitions

As used in this subchapter, 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. Geographic information system or GIS. "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.

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

4. Geographic information system services or GIS 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.

5. Office. "Office" means the Office of Geographic Information Systems.

§1890-D. Established

The Office of Geographic Information Systems is established within the Bureau of Information Services.

§1890-E. Powers

The Bureau of Information Services 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 on 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 on those utilizing the services provided by the office, except that charges may not be levied on 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; and

6. 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.

§1890-F. Intergovernmental cooperation and assistance

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

§1890-G. Licensing agreements

GIS data are subject to licensing agreements and must be made available only in accordance with this subchapter and upon payment of fees established under this subchapter. 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.

§1890-H. Priority of responsibilities

The activities authorized under this subchapter do not take priority over the primary responsibilities of the bureau. 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 subchapter, 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.

Sec. 3. 5 MRSA §1893, sub-§1, as amended by PL 1989, c. 857, §37, is further amended to read:

1. Establish written standards. The board shall approve written standards governing geographic information systems, data processing and telecommunications as defined in this chapter.

Sec. 4. 5 MRSA §1893, sub-§5, ¶A, as amended by PL 1991, c. 291, §5, is further amended to read:

A. Rules and policies relating to geographic information systems, data processing and telecommunications;

Sec. 5. 12 MRSA c. 218, as amended, is repealed.

Sec. 6. 38 MRSA §420-B, sub-§2, as enacted by PL 1993, c. 720, §1, is amended to read:

2. Data management. The commissioner shall maintain data collected under this section in a manner consistent with standards established under Title ~~12~~ 5, chapter ~~248~~ 158, subchapter II-A for the State's geographic information system. All data is available to the public.

See title page for effective date.

CHAPTER 153

S.P. 369 - L.D. 1046

An Act to Amend the Displaced Homemakers Act

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

Sec. 1. 26 MRSA §1604, sub-§1, ¶B, as amended by PL 1989, c. 503, Pt. B, §112, is further amended to read:

B. ~~Nine~~ Fifteen individuals who have experience with the problems of displaced homemakers, ~~career counseling or adult vocational education entering, reentering or retraining for the paid workforce or starting a small business.~~ The members ~~shall be~~ are appointed by the Governor. The council shall elect its own chair.

See title page for effective date.

CHAPTER 154

H.P. 442 - L.D. 608

An Act to Modify the Presidential Primary Laws

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

Sec. 1. 21-A MRSA §335, sub-§5, ¶B-1, as amended by PL 1993, c. 334, §1, is repealed.

Sec. 2. 21-A MRSA §411, sub-§1, as enacted by PL 1993, c. 334, §3, is amended to read:

1. Determination of primary. When the state committee of a political party certifies that there is a contest among candidates for nomination as the presidential candidate of the party and ~~that the state committee votes to conduct~~ has notified the State of its intent to participate in a presidential primary election at the state committee's convention the year before the primary, the State shall hold a presidential primary election.

Sec. 3. 21-A MRSA §411, sub-§2, as enacted by PL 1993, c. 334, §3, is repealed.

Sec. 4. 21-A MRSA §411, sub-§§3 and 4 are enacted to read:

3. Date of primary. The presidential preference primary election must be held on the first Tuesday in March of the presidential election year.

This subsection is repealed January 1, 2000.

4. Primary date. The presidential preference primary election must be held on the same day as the presidential primary election for the State of New Hampshire or, if that state holds no presidential primary election, on the first Tuesday in March of the presidential election year.