

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
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J.S. McCarthy Company
Augusta, Maine
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B. Provide assessment, advice and recommendations on emerging policy concerns or on adjustments to existing programs related to growth management;

C. Review and make recommendations on the State's fiscal, transportation, education funding, school-siting and land use policies that affect service center communities, rural lands and development sprawl;

D. Review tax policy as it affects land use decisions;

E. Provide assessment, advice and recommendations on the role of state office buildings in the continued viability of downtown service centers within the State and the impact of growth-related capital investments and location decisions by the State;

F. Provide assessment, advice and recommendations on the coordination of state and local urban transportation planning and streamlining of local and state land use rules and regulations to permit and encourage efficient neighborhood and economic development in growth areas; and

G. Review and make recommendations regarding options for establishing a state transferable development rights bank.

§4350-A. Repeal date

This article is repealed June 1, 2008.

Sec. 3. Funding for public members not otherwise reimbursed for service on committee. The Maine State Housing Authority, with existing budgeted resources, shall provide compensation for public members of the Community Preservation Advisory Committee who are not otherwise reimbursed for their service on the committee.

See title page for effective date.

CHAPTER 649

H.P. 1617 - L.D. 2116

An Act to Establish the Maine Library of Geographic Information

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

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

SUBCHAPTER II-B

MAINE LIBRARY OF GEOGRAPHIC INFORMATION

§1890-I. Short title

This subchapter may be known and cited as the "Maine 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 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 Library of Geographic Information. "Maine Library of Geographic Information" or "library" means the statewide network officially sanctioned by the Legislature through this Act by which data custodians or their designees organize, catalog and provide access to public geographic information to all levels of government and to the public.

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

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

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

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

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

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

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

B. Otherwise expressly authorized by law to be released.

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

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

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

§1890-K. Maine Library of Geographic Information Board

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

A. To oversee the Maine Library of Geographic Information to ensure that it operates as a coordinated, cost-effective electronic gateway providing public access to data custodians' public geographic information. Nothing in this paragraph may be construed to affect the rights of persons to inspect or copy public records under Title 1, chapter 13, subchapter I, or the duty of

data custodians to provide for public inspection and copying of those records;

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

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

(2) Geographic information system technical specifications;

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

(4) Privacy and privacy protection;

(5) Mechanisms to correct inaccuracies; and

(6) Data validation tools and processes;

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

(1) Each state data custodian, or its designee, that acquires, purchases, verifies, maintains or produces geographic information with state funds or grants shall:

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

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

(2) Each nonstate data custodian, or its designee, that acquires, purchases, verifies, maintains or produces geographic informa-

tion with state funds specifically provided for that purpose shall:

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

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

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

E. To promote innovative uses of geographic information through the provision of verified, coordinated, intergovernmental information via the Maine Library of Geographic Information. The geographic information board 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;

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

G. To hear and resolve disputes that may arise between data custodians or with respect to information to be placed in the Maine Library of Geographic Information, enforcement of geographic information board standards, rules or policies or other related matters, all in accordance with the Maine Administrative Procedure Act. Complainants may directly present their case to the geographic information board, which has the power to hold investigations, inquiries and hearings concerning matters brought to its attention and to make decisions with respect to the case. All interested parties must be given reasonable notice of the hearing and an opportunity to be heard. Hearings must be open to the public;

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

I. To report annually beginning January 1, 2004 to the joint standing committees of the Legisla-

ture having jurisdiction over natural resources matters, and state and local government matters. The report must provide a review of the past year's activities, including, but not limited to, a description of standards adopted, data added to the library, partnerships established, disputes addressed, studies conducted and financial activity. The library shall also make this report available to the public. This report may also include suggested legislative language intended to address geographic information issues needing legislative action; and

J. To develop appropriate internal services to facilitate generalized access for and use of data by governmental agencies and the public. The library may not compete directly with private enterprise. The library shall work in partnership with nonstate data custodians to promote the purposes of this Act.

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

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

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

C. The President of the Maine Science and Technology Foundation or the President's designee;

D. One member, or the member's designee, who is responsible for overseeing GIS functions of a state department that is a data custodian of geographic information, appointed by the Governor;

E. Eight representatives as follows:

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

(2) Two representatives of a statewide association of municipalities, one representative appointed by the President of the Senate from nominations made by the association's governing body and one representative appointed by the Speaker of the House from nominations made by the association's governing body;

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

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

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

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

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

F. Two members of the private sector representing geographic information vendors, one member appointed by the President of the Senate and one member appointed by the Speaker of the House; and

G. One public member, appointed by the President of the Senate.

The terms for the members appointed pursuant to paragraph E are for a period of 3 years, except that initially the terms for members appointed pursuant to paragraph E, subparagraphs (1), (2) and (3) are for 2 years; the terms for members appointed pursuant to paragraph E, subparagraphs (4) and (5) are for 3 years; and the terms for members appointed pursuant to paragraph E, subparagraphs (6) and (7) are for 4 years. The term for members appointed pursuant to paragraphs F and G is for 3 years. A member who designates another person to serve on the geographic information board as that member's designee shall provide written notice to the geographic information board's staff of the name and title of the designee. Appointing authorities shall make their initial appointments and provide written notice of the appointments to the geographic information board's staff no later than September 1, 2002.

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

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

5. Quorum; action. Eight members of the geographic information board constitute a quorum. The affirmative vote of 7 members is necessary for any action taken by the geographic information board. A vacancy in the membership of the geographic information board does not impair the right of a quorum to exercise all the powers and perform the

duties of the geographic information board. The geographic information board may use video conferencing and other technologies to conduct its business but is not exempt from Title 1, chapter 13, subchapter I.

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

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

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

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

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

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

D. Providing reasonable safeguards to protect confidentiality.

§1890-L. Liability

The geographic information board and any of the parties submitting data to the Maine Library of Geographic Information for public use may not be held liable for any use of those data.

§1890-M. Copyrights and fees

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

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

<u>30-B.</u>	<u>Maine</u>	<u>Expenses</u>	<u>5 MRSA</u>
<u>Public</u>	<u>Library of</u>	<u>Only</u>	<u>§1890-K</u>
<u>Information</u>	<u>Geographic</u>		
	<u>Information</u>		
	<u>Board</u>		

See title page for effective date.

CHAPTER 650

S.P. 777 - L.D. 2113

An Act to Improve Access to Prescription Drugs for Persons who are Elderly or Disabled

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

Whereas, the inability of persons who are elderly and disabled to purchase prescription drugs is a risk to the health of those persons and a detriment to the families, communities and businesses of this State; and

Whereas, the availability of prescription drugs for this population will strengthen the State as a whole; and

Whereas, a Medicaid waiver could offer the State the opportunity to match state funds with federal funds and thereby expand the prescription drug program for elderly and disabled persons beginning as soon as a waiver is granted; 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. 22 MRSA §3174-G, sub-§1-A, as amended by PL 1999, c. 790, Pt. A, §25, is repealed.

Sec. 2. 22 MRSA §3174-G, sub-§1-B, as amended by PL 1999, c. 731, Pt. KK, §1, is further amended to read:

1-B. Funding. State funds necessary to implement subsection ~~1-A~~ 1-C must include General Fund appropriations and Other Special Revenue allocations from the Fund for a Healthy Maine to the elderly low-cost drug program operated pursuant to section 254,

including rebates received in that program from pharmaceutical manufacturers, that are no longer needed in that program as a result of the Medicaid waiver obtained pursuant to subsection ~~1-A~~ 1-C.

Sec. 3. 22 MRSA §3174-G, sub-§1-C is enacted to read:

1-C. Prescription drug waiver program. Except as provided in paragraph G, the department shall apply to the federal Centers for Medicare and Medicaid Services for a waiver or amend a pending or current waiver under the Medicaid program authorizing the department to use federal matching dollars to enhance the prescription drug benefits available to persons who qualify for the elderly low-cost drug program established under section 254. The program created pursuant to the waiver is the prescription drug waiver program, referred to in this subsection as the "program."

A. As funds permit, the department has the authority to establish income eligibility levels for the program up to and including 200% of the federal nonfarm income official poverty level, except that for individuals in households that spend at least 40% of income on unreimbursed direct medical expenses for prescription medications, the income eligibility level is increased by 25%.

B. To the extent reasonably achievable under the federal waiver process, the program must include the full range of prescription drugs provided under the Medicaid program on the effective date of this subsection and must limit copayments and cost sharing for participants. If cost sharing above the nominal cost sharing for the Medicaid program is determined to be necessary, the department may use a sliding scale to minimize the financial burden on lower-income participants.

C. Coverage under the program may not be less beneficial to persons who meet the qualifications of section 254 than the coverage available under that section on September 30, 2001.

D. In determining enrollee benefits under the program, to the extent possible, the department shall give equitable treatment to coverage of prescription medications for cancer, Alzheimer's disease and behavioral health.

E. The department is authorized to provide funding for the program by using funds appropriated or allocated to provide prescription drugs under sections 254 and 258.

F. The department is authorized to amend the waiver or adjust program requirements as neces-