

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2010 to June 29, 2011**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 28, 2011**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2011**

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

Effective April 25, 2011.

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**CHAPTER 26**

**H.P. 206 - L.D. 253**

**Resolve, To Establish a Single Construction Permit for Certain Aboveground Oil Storage Tanks in Gravel Pits and Quarries**

**Sec. 1. Aboveground oil storage tanks.**

**Resolved:** That the Department of Environmental Protection in consultation with the Office of the State Fire Marshal shall establish a permit-by-rule process for obtaining a single construction permit for aboveground oil storage tanks that are used for the supply of diesel fuel and located in excavations for borrow, clay, top soil or silt and quarries that meets the requirements of the Maine Revised Statutes, Title 25, section 2483 and Title 38, sections 490-D and 490-Z.

See title page for effective date.

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**CHAPTER 27**

**H.P. 329 - L.D. 411**

**Resolve, Regarding Legislative Review of Portions of Chapter 305: Permit by Rule Standards, Section 16, Activities in Coastal Dunes, a Major Substantive Rule of the Department of Environmental Protection**

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

**Whereas,** the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** the above-named major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 305: Permit by Rule Standards, Section 16, Activities in Coastal Dunes, a provisionally adopted major substantive rule of the Department of Environmental Protection that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized if the rule is amended as follows:

1. A definition of "cobble" is added to mean a rock that is smaller than a boulder and larger than gravel;

2. A definition of "cobble-trapping fence" is added to mean an open fence with a continuous porosity equal to or greater than 50% that is designed to prevent cobbles from passing through it;

3. The provision in the provisionally adopted rule allowing a cobble-trapping fence to be in place only between October 1st and April 1st is removed and replaced with a provision allowing a cobble-trapping fence to be in place year-round;

4. A provision is added allowing a cobble-trapping fence only if it is landward of an existing seawall in a developed area; and

5. The requirement in the provisionally adopted rule that a cobble-trapping fence must be placed no more than 15 feet in front of the building is removed.

The Department of Environmental Protection is not required to hold hearings or conduct other formal proceedings prior to finally adopting the rule in accordance with this resolve.

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

Effective April 26, 2011.

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**CHAPTER 28**

**S.P. 39 - L.D. 65**

**Resolve, To Establish a Working Group of Stakeholders To Review the Current and Future Dementia Training Needs of Long-term Care Providers**

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

**Whereas**, there are currently 30,000 individuals in Maine with Alzheimer's disease or a related dementia and the number will grow to over 45,000 by 2025; and

**Whereas**, due to the nature of Alzheimer's disease and related dementias many of these individuals will require long-term care at some point during their illnesses; and

**Whereas**, it is necessary to ensure a well-trained and capable long-term care workforce as soon as possible; 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

**Sec. 1. Working group to review dementia training needs of long-term care providers.**

**Resolved:** That the Department of Health and Human Services shall establish within existing resources a working group of stakeholders to review the current and future dementia training needs of long-term care providers. The working group must include a representative from the department's Office of Elder and Adult Services, a representative of the department's Office of Adult Mental Health Services, a representative of individuals with dementia, a representative of the long-term care ombudsman program created under the Maine Revised Statutes, Title 22, section 5106, a representative of long-term care facilities, a representative of assisted living facilities, a representative of providers of home health care and other interested parties. The working group shall assess the current and future training needs of providers of long-term care and shall make recommendations to the Commissioner of Health and Human Services. The commissioner shall report on the work and recommendations of the working group to the Joint Standing Committee on Health and Human Services by November 30, 2011.

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

Effective April 27, 2011.

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**CHAPTER 29**

**H.P. 506 - L.D. 679**

**Resolve, To Leverage Federal Opportunities for Job Creation in Maine**

**Sec. 1. Review by department. Resolved:** That the Department of Economic and Community Development shall review federal initiatives and pending federal legislation that promote the development of new employment, particularly employment in the manufacturing sector. The department shall identify initiatives to be undertaken on a state and local level that have the potential to leverage federal funding, including but not limited to:

1. Enhanced tax increment financing, including providing incentives to municipalities that provide tax increment financing to companies expanding under federal incentives;
2. Enhanced and expedited job training resources; and
3. Other incentives designed specifically to work to augment federal initiatives and leverage federal funding.

The department shall submit a report on its findings, including any necessary proposed legislation, to the Joint Standing Committee on Labor, Commerce, Research and Economic Development by December 1, 2011.

See title page for effective date.

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**CHAPTER 30**

**H.P. 302 - L.D. 376**

**Resolve, To Complete the Timely and Appropriate Redesign of Shared Living Services for Adults with Intellectual Disabilities and Autism**

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

**Whereas**, shared living is an appropriate and cost-effective option for many adults with cognitive and intellectual disabilities and autism; and

**Whereas**, the Department of Health and Human Services began redesign efforts for a shared living program July 1, 2010 and booked savings in this program; and

**Whereas**, the initial redesign has occurred and substantial actions to clarify respective roles of administering agencies, host families and department employees have occurred; and