

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

Augusta, Maine
2011

appropriate products under an integrated pest management system; and be it further

Sec. 3. Reports to the Joint Standing Committee on Agriculture, Conservation and Forestry. Resolved: That, no later than February 1, 2012, the board shall report to the Joint Standing Committee on Agriculture, Conservation and Forestry on actions taken under this resolve. The report must include a copy of the best management practices developed for the establishment and maintenance of school lawns, playgrounds and athletic fields, findings from the assessment of school compliance under section 2 and any recommendations, including amendments to board rules if appropriate, for minimizing the use of pesticides in schools and on school grounds.

No later than February 1, 2014, the board shall report to the joint standing committee of the Legislature having jurisdiction over pesticides regulation matters on continuing efforts to educate and work with schools to minimize the use of pesticides.

See title page for effective date.

CHAPTER 60

H.P. 713 - L.D. 969

Resolve, To Adjust Composting Limits for Farms

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

Whereas, changes in compost management rules are needed as soon as possible for the current growing season; 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. Rulemaking. Resolved: That the Department of Environmental Protection shall amend its rules in Chapter 410, Section 1, Paragraph B, Subparagraph (4) to increase the maximum cubic yards of Type IB and Type IC residuals that a farm may compost in any 30-day period from 30 to 60 cubic yards as long as the farm is operated in accordance with a compost management plan approved by the Department of Agriculture, Food and Rural Resources. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A; and be it further

Sec. 2. Department of Agriculture, Food and Rural Resources and Department of Environmental Protection to examine operations requiring a compost management plan. Resolved: That the Department of Agriculture, Food and Rural Resources and the Department of Environmental Protection shall review agricultural composting operations that are exempt from licensing as a solid waste facility under the Department of Environmental Protection Rules, Chapter 410, Section 1, Paragraph B, Subparagraphs (4), (5), (6) and (7).

The Commissioner of Agriculture, Food and Rural Resources and the Commissioner of Environmental Protection shall report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than January 3, 2012 with recommendations for statutory changes needed to clarify or enhance oversight of agricultural composting operations by the Department of Agriculture, Food and Rural Resources. For the purposes of this section, "agricultural composting operations" means composting that takes place on farms and uses only animal manure, animal carcasses and offal, fish waste, leaves, wood chips, animal bedding and other vegetative waste and produce and other vegetable and food waste.

The Joint Standing Committee on Agriculture, Conservation and Forestry may report out a bill during the Second Regular Session of the 125th Legislature pertaining to oversight of agricultural composting operations.

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

Effective June 3, 2011.

CHAPTER 61

H.P. 693 - L.D. 933

Resolve, Requiring the Department of Health and Human Services To Conduct a Review of Medicaid "Any Willing Provider" Requirements

Sec. 1. Review. Resolved: That the Department of Health and Human Services shall conduct a review of "any willing provider" requirements within the Medicaid program to evaluate the impact of those requirements on health outcomes, quality of care, geographic need for services and the cost of care. The department shall seek input from health care provider groups and health care consumer groups in conducting its evaluation and shall evaluate the methods used by other states to implement "any willing provider" re-