

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

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FIRST REGULAR SESSION
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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-

quirements for comparison with implementation methods in this State; and be it further

Sec. 2. Report. Resolved: That the Department of Health and Human Services shall submit a report to the Joint Standing Committee on Health and Human Services by January 1, 2012 that includes:

1. An itemization of federal "any willing provider" laws;
2. Provisions of the laws of this State and rules of the department that implement federal requirements;
3. An analysis of methods used in other states to implement federal requirements; and
4. Recommendations for changes in the laws of this State and rules of the department to give the State more authority to regulate for positive health outcomes, quality of care, meeting geographic need for services and controlling care costs.

See title page for effective date.

CHAPTER 62

H.P. 1124 - L.D. 1532

Resolve, Directing the Commissioner of Marine Resources To Contract for an Independent Analysis of the Limited Entry Lobster License System

Sec. 1. Independent analysis. Resolved: That the Commissioner of Marine Resources shall contract for an independent analysis of the limited entry lobster license system under the Maine Revised Statutes, Title 12, section 6421. The analysis must include, but is not limited to, an evaluation of the limited entry system and determine whether the benefits, including the benefits of conservation, outweigh the costs, including the impact of restrictions on entry to the lobster fishing industry. The contract must be funded using existing resources of the Department of Marine Resources. The commissioner shall report on the analysis to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15, 2013.

See title page for effective date.

CHAPTER 63

H.P. 517 - L.D. 688

Resolve, To Facilitate Participation in Individualized Education Program Team Meetings and Special Education Dispute Resolution Procedures

Sec. 1. Alternative means of participation in special education meetings; rules. Resolved: That the Department of Education shall amend its rules in Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty in Section VI in the part concerning alternative means of meeting participation to require that schools permit the use of alternative means of meeting participation, such as individual or conference telephone calls and videoconferencing, to ensure that the parents of a child with a disability are able to have appropriate persons participate in individualized education program team meetings and special education dispute resolution procedures. The amendment to the rules must specify that a school administrative unit is not required to spend any funds to purchase additional equipment in order to comply with this provision; and be it further

Sec. 2. Provisional adoption of rules. Resolved: That the Department of Education shall provisionally adopt the amendments required under section 1 no later than December 1, 2011. Rules adopted pursuant to this section are major substantive rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 64

S.P. 406 - L.D. 1309

Resolve, To Encourage Reciprocity between Maine and New Hampshire in the Reporting of Rabies Vaccinations by Veterinarians

Sec. 1. Reciprocity. Resolved: That the Commissioner of Agriculture, Food and Rural Resources shall invite the Commissioner of Agriculture, Markets and Food of New Hampshire to jointly develop a reciprocity agreement regarding the vaccination of dogs against rabies. The reciprocity agreement must detail a process by which a copy of a rabies vaccination certificate issued by a veterinarian in one state