

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 6, 2006 to June 21, 2007**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 20, 2007**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2007**

partment of Education, that pertain to the determination of adverse effect and shall develop recommendations to the Commissioner of Education regarding any necessary changes to the Chapter 101 rules regarding the determination of adverse effect. In completing this task, the stakeholder group shall make every effort to avoid duplicating work already completed by the Task Force on Eligibility convened by the State Board of Education; and be it further

**Sec. B-6. Technical assistance; facilitator. Resolved:** That the Department of Education shall provide necessary staffing services to the stakeholder group including funding for an independent facilitator. Meetings of the stakeholder group must be moderated by the independent facilitator. The facilitator selected may not have a pecuniary or other vested interest in the outcome of the matters being reviewed and must certify to the Commissioner of Education and the members of the stakeholder group that the facilitator has no pecuniary or other vested interest in the outcome of the review. Such certification must be made in the manner prescribed jointly by the Commissioner of Education and the members of the stakeholder group; and be it further

**Sec. B-7. Meetings. Resolved:** That the stakeholder group shall hold up to 5 meetings, including the organizational meeting convened by the Commissioner of Education. The agenda for the organizational meeting of the stakeholder group must include:

1. Selection of a chair;
2. Selection of an independent facilitator;
3. Development of a work plan; and
4. Scheduling of not more than 4 additional meetings; and be it further

**Sec. B-8. Report. Resolved:** That the stakeholder group shall submit a report that includes its findings and recommendations, including suggested revisions for those portions of "Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty" that pertain to the determination of adverse effect, to the Commissioner of Education no later than September 28, 2007; and be it further

**Sec. B-9. Adoption of rules. Resolved:** That the Commissioner of Education is authorized to submit provisionally adopted, major substantive rules for those portions of "Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty" that pertain to the determination of adverse effect for legislative review in the Second Regular Session of the 123rd Legislature. The rules provisionally adopted by the Commissioner of Education pursuant to this section must expressly consider and address the recommendations contained in the report of the stakeholder group submitted under section 8.

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

Effective June 27, 2007.

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## CHAPTER 139

### S.P. 176 - L.D. 564

#### **Resolve, To Streamline the Regulation of Agricultural Composters**

**Preamble. Whereas,** the Legislature recognizes the benefits of agricultural composting operations to the environment, farms and rural economies; and

**Whereas,** the Department of Agriculture, Food and Rural Resources and the Department of Environmental Protection share an interest in encouraging the development of geographically dispersed agricultural composting operations; now, therefore, be it

**Sec. 1. Department of Environmental Protection directed to revise rules. Resolved:** That the Commissioner of Environmental Protection shall revise the Department of Environment Protection's rules pertaining to the licensing of solid waste processing facilities to clearly differentiate licensing requirements for agricultural composting operations from requirements for operations that compost municipal sludge, septage, industrial sludge or other materials with a higher risk of contamination. For the purposes of this resolve, "agricultural composting operation" means composting that takes place on a farm and uses only animal manure, animal carcasses and offal, fish waste, leaves, wood chips, animal bedding and other vegetative waste, produce and other vegetable and food waste. The Commissioner of Environmental Protection, in consultation with the Commissioner of Agriculture, Food and Rural Resources, shall review and revise the tiers that determine volumes of materials that may be composted at an agricultural composting operation without triggering the requirement for a waste facilities license from the Department of Environmental Protection; and be it further

**Sec. 2. Department of Agriculture, Food and Rural Resources to establish components of a compost management plan. Resolved:** That the Commissioner of Agriculture, Food and Rural Resources, working with the Department of Environmental Protection, shall develop necessary components of a compost management plan for agricultural composting operations. The purpose of a plan is to demonstrate that the facility is designed to prevent the discharge of pollutants, control leachates, minimize odors and the dispersion of disease vectors and ensure a stable, high-quality end product. A compost management plan must be specific to the proposed com-

post site and the farm's available land base for the operation. The 2 departments shall provide technical assistance in the development of a compost management plan to persons proposing to establish or expand an agricultural composting operation; and be it further

**Sec. 3. Commissioners to report to the Joint Standing Committee on Agriculture, Conservation and Forestry and the Joint Standing Committee on Natural Resources.**

**Resolved:** That, no later than December 3, 2007, 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 and the Joint Standing Committee on Natural Resources on the status of the rules revision required under section 1, and a description of elements to be included in a compost management plan for agricultural composting operations under section 2. The commissioners shall report on any other activities initiated or materials produced to provide guidance to farmers considering developing or expanding an agricultural composting operation. The commissioners shall articulate in their report agreement on jurisdictional boundaries relating to oversight of agricultural composting operations, unresolved issues and recommendations to further the goal of encouraging appropriate siting, design and operation of agricultural composting operations; and be it further

**Sec. 4. Authority to submit legislation.**

**Resolved:** That the Joint Standing Committee on Agriculture, Conservation and Forestry may submit legislation pertaining to the regulation of agricultural composting operations to the Second Regular Session of the 123rd Legislature.

See title page for effective date.

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**CHAPTER 140  
H.P. 737 - L.D. 977**

**Resolve, To Address the Funding Needs of Air and Ground Emergency and Critical Care Emergency Medical Services**

**Sec. 1. Working group and report. Re-**

**solved:** That the Department of Health and Human Services shall convene a working group that includes the Department of Public Safety, Maine Emergency Medical Services; representatives of the Department of Health and Human Services and the Governor's Office of Health Policy and Finance; and representatives of providers of air and ground emergency and critical care emergency medical services. The working group shall review costs of emergency response services and

emergency and nonemergency transportation services; revenues that support the work of the service providers, including fee-for-service payments, insurance, Medicare and MaineCare reimbursement; and the cost of readiness and the growing gap between revenues and costs. The working group shall seek outside funding for its work. If outside funding is obtained, the Department of Health and Human Services shall administer the funds and include information on the funding that was obtained and all expenditures and any remaining balance in the report of the working group. By January 15, 2008, the Department of Health and Human Services shall report to the Joint Standing Committee on Health and Human Services on the findings and the working group and any recommendations for legislation or rulemaking. The joint standing committee may submit legislation to the Second Regular Session of the 123rd Legislature. This resolve is contingent upon the receipt by the Department of Health and Human Services of outside funding to cover the costs of the working group.

See title page for effective date.

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**CHAPTER 141  
S.P. 85 - L.D. 248**

**Resolve, Honoring Women Veterans of Maine**

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

**Whereas,** women from Maine who have served in the Armed Services of the United States have made countless contributions and tremendous sacrifices during times of war; and

**Whereas,** it is important to recognize the contribution of Maine women veterans and educate the people of Maine concerning the role of women during wartime since this Nation was founded; and

**Whereas,** the Commission to Arrange for a Monument Honoring Women Veterans of Maine has recommended and received initial approval for a patriotic, educational and inspiring monument to be erected near the Capitol; and

**Whereas,** a major fund-raising effort needs to begin in order for this monument to be available for all of the people of Maine and visitors to this State as provided in the timeline provided in the report of the Commission to Arrange for a Monument Honoring Women Veterans of Maine; 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