

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2010 to April 12, 2010

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 12, 2010

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

Augusta, Maine
2010

by reselling agents are for the benefit of the on-premise retail licensee. An instant redeemable coupon attached to a spirits product sold by an agency store licensee to a consumer is for the benefit of the consumer who purchases the spirits product.

See title page for effective date.

CHAPTER 505

H.P. 1229 - L.D. 1731

An Act To Modernize the Bingo Laws

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

Sec. 1. 17 MRSA §314-A, sub-§1-A, as enacted by PL 2003, c. 452, Pt. I, §4 and affected by Pt. X, §2, is amended to read:

1-A. Sealed tickets. The Chief of the State Police may also issue to any federally recognized Indian tribe licenses to sell lucky seven or other similar sealed tickets in accordance with section 324-A. The licensee may operate a dispenser to sell the lucky seven or other similar tickets. As used in this subsection, "dispenser" means a mechanical or electrical device or machine that, upon the insertion of money, credit or something of value, dispenses printed lucky seven or other similar tickets. The element of chance must be provided by the ticket itself, not by the dispenser. The Chief of the State Police may adopt rules to facilitate the use of dispensers. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

PUBLIC SAFETY, DEPARTMENT OF

Licensing and Enforcement - Public Safety 0712

Initiative: Provides one-time funding for training related to lucky seven dispensers.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$0	\$4,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$4,000

See title page for effective date.

**CHAPTER 506
H.P. 1095 - L.D. 1553**

An Act To Facilitate Establishment of Watershed Districts

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

Whereas, under the authority of the federal Clean Water Act, the United States Environmental Protection Agency has required permits for storm water discharges in the Long Creek watershed; and

Whereas, the United States Environmental Protection Agency has delegated the administration of the permit program to the Department of Environmental Protection; and

Whereas, the Department of Environmental Protection has issued a general permit that will provide affected property owners or operators with permit coverage if they are participating in implementation of the Long Creek Watershed Management Plan; and

Whereas, affected property owners or operators will be required to have permit coverage by July 2010; and

Whereas, an entity to administer the implementation of the Long Creek Watershed Management Plan must be formed and this Act facilitates the formation of such an entity; 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. 38 MRSA §484, sub-§4-A, as amended by PL 1997, c. 502, §8 and affected by c. 603, §§8 and 9, is further amended to read:

4-A. Storm water management and erosion and sedimentation control. The proposed development, other than a metallic mineral mining or advanced exploration activity, meets the standards for storm water management in section 420-D and the standard for erosion and sedimentation control in section 420-C. A proposed metallic mineral mining or advanced exploration activity must meet storm water standards in department rules adopted to implement subsections 3 and 7. If exempt under section 420-D, subsection 7, a proposed development must satisfy the applicable storm water quantity standard and, if the development is located in the direct watershed of a

lake included in the list adopted pursuant to section 420-D, subsection 3, any applicable storm water quality standards adopted pursuant to section 420-D. For redevelopment projects only, the standards for storm water management in section 420-D are met if the proposed development is located in a designated area served by a department-approved management system for storm water as described in section 420-D, subsection 2, as long as the owner or operator of the parcel upon which the proposed development will be located enters into or obtains and remains in compliance with all agreements, permits and approvals necessary for the proposed development to be served by such management system for storm water.

Sec. 2. 38 MRSA §2014 is enacted to read:

§2014. Alternative method

This chapter may not be construed to limit a municipality's home rule authority or its ability to form a watershed district through its interlocal cooperation authority under Title 30-A, chapter 115 but provides an additional and alternative method for the formation of a watershed district and provides powers supplemental and additional to powers conferred by other laws, and may not be regarded as in derogation of or repealing any powers existing under any other law, either general, special or local.

Sec. 3. Retroactivity. This Act applies retroactively to July 1, 2009.

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

Effective March 15, 2010.

CHAPTER 507

H.P. 1217 - L.D. 1716

**An Act To Expedite
Rulemaking Concerning
Agronomic Utilization of
Sludge**

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

Sec. 1. 38 MRSA §1304, sub-§1-C, as enacted by PL 1999, c. 393, §2, is amended to read:

1-C. Rules; agronomic utilization of sludge. Rules adopted by the board relating to the agronomic utilization of sludge are ~~major substantive routine technical~~ rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ **2-A**. ~~This subsection takes effect January 1, 2000.~~

See title page for effective date.

CHAPTER 508

S.P. 588 - L.D. 1532

**An Act To Align Education
Laws with Certain Federal
Laws**

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

Sec. 1. 20-A MRSA §5205, sub-§3-A is enacted to read:

3-A. Students placed by the Department of Health and Human Services. Notwithstanding subsection 3, a student who is placed by the Department of Health and Human Services with an adult who is not the child's parent or legal guardian in accordance with the educational stability provisions of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008, Public Law 110-351, 122 Stat. 3949 is considered a resident of either the school administrative unit where the student resides during the placement or the school administrative unit where the student resided prior to the placement based on the best interest of the student. The Department of Health and Human Services, in consultation with the department and the school administrative units, shall determine which of the 2 units is appropriate and notify that unit in writing of its determination. The school administrative unit that provides public education for the student shall count the student as a resident student for subsidy purposes.

Sec. 2. 20-A MRSA §6004, sub-§2, ¶B, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

B. Students who attend school under section 5205, subsections 2, ~~3-A~~, 4, 5 and 6, ~~shall~~ must be counted in the school administrative unit in which they attend school.

Sec. 3. 20-A MRSA §7201, sub-§5, as corrected by RR 2005, c. 2, §13, is amended to read:

5. Accessible instructional materials; visual impairment including blindness; Braille instruction. All students must have access to accessible instructional materials and may receive instruction in Braille reading and writing as part of their individualized family service plans or individualized education programs. A student may not be denied the opportunity of instruction in Braille reading and writing solely because the student has some remaining vision. If Braille is not provided to a child who is blind, the reason for not incorporating Braille in the individualized family service plan or individualized education program must be documented in the individualized family service plan or individualized education program. Accessible instructional materials and provisions for the accessibility of online learning programs for indi-