

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

**Whereas,** Hebron Academy is a college preparatory boarding and day school located in the Town of Hebron; and

**Whereas,** Hebron Academy's student body currently represents many different countries and many states throughout the United States; and

**Whereas,** it is important to ensure that directional signs be in place immediately because increased visibility on the Interstate 95 corridor is critical to the ability of the public, as well as those members of the student body who are unfamiliar with the State, to locate Hebron Academy; 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. Signs placed for Hebron Academy. Resolved:** That the Maine Turnpike Authority, notwithstanding national guidelines relating to directional signs for highways, shall place directional signs on the portion of Interstate 95 designated as the Maine Turnpike at the northbound and southbound exits of the highway that are located closest to Hebron Academy and that Hebron Academy shall assume all costs associated with the directional signs.

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

Effective April 20, 2011.

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**CHAPTER 24**

**S.P. 67 - L.D. 216**

**Resolve, Regarding MaineCare Tobacco Treatment and Smoking Cessation Benefits**

**Sec. 1. Best practice and model treatment programs. Resolved:** That the Department of Health and Human Services, through the Partnership for a Tobacco-Free Maine, the Maine Center for Disease Control and Prevention and the Office of MaineCare Services, shall work to address and reduce tobacco use by MaineCare members. The department shall identify best practice measures for reducing the smoking rate of MaineCare members. The department shall determine ways to increase use of the MaineCare tobacco treatment benefit while working within exist-

ing resources to fund projects necessary to reach MaineCare members. The department shall submit a written report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on its progress under this section by November 30th each year through 2014.

See title page for effective date.

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**CHAPTER 25**

**H.P. 330 - L.D. 412**

**Resolve, Regarding Legislative Review of Portions of Chapter 882: Designation of Bisphenol A as a Priority Chemical and Regulation of Bisphenol A in Children's Products, 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 882: Designation of Bisphenol A as a Priority Chemical and Regulation of Bisphenol A in Children's Products, 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.

**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