

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.

Augusta, Maine
2011

Whereas, the increased scope of the rulemaking will cause a significant financial impact to publicly and privately owned solid waste incinerators, landfills, transfer stations, composting facilities and processing facilities, as well as the industries, businesses and municipalities directly reliant on such solid waste facilities; 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. Resolve 2007, c. 170, §1, amended. Resolved: That Resolve 2007, c. 170, §1 is amended to read:

Sec. 1. Landfill gas and odor management rules. Resolved: That the Department of Environmental Protection, Board of Environmental Protection shall adopt rules concerning landfill gas and odor management that incorporate quantitative standards that can be used to measure compliance. Rules adopted pursuant to this section are ~~routine technical~~ major substantive rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A. By ~~January~~ March 15, 2009 2012, the Department of Environmental Protection shall submit a report on the status of the rules to the joint standing committee of the Legislature having jurisdiction over natural resources matters.

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

Effective May 23, 2011.

CHAPTER 44

H.P. 266 - L.D. 333

Resolve, Directing the Department of Environmental Protection To Evaluate and Amend Its Rules Regarding Snow Dumps

Sec. 1. Snow dumps rules. Resolved: That the Department of Environmental Protection shall review its rules established pursuant to the Maine Revised Statutes, Title 38, section 413, subsection 2-B regarding snow dumps. In its review, the department shall evaluate:

1. Provisions in the rules that require certain municipalities to obtain a waste discharge license for off-site storage or disposal of snow;

2. The State's obligations under the Federal Water Pollution Control Act and the State's interest in retaining its delegated authority to grant permits under the Federal Water Pollution Control Act;

3. How the rules may be amended to expedite the licensing process for municipalities that cannot be exempted from the waste discharge licensing requirement. The department shall consider establishing a general permit process or a permit by rule process for snow dumps; and

4. Licensing fees for municipalities; and be it further

Sec. 2. Amend rules. Resolved: That, after the review undertaken pursuant to section 1 of this resolve, the Department of Environmental Protection shall amend its rules regarding snow dumps so the rules do not conflict with the Federal Water Pollution Control Act. Rules adopted pursuant to this resolve are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 45

H.P. 301 - L.D. 375

Resolve, Directing the Commissioner of Professional and Financial Regulation To Convene a Working Group To Review the Laws and Rules Governing Boilers

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 laws and rules governing the periodic inspections of boilers are critical to protecting Maine citizens from the danger of boilers failing and exploding; and

Whereas, the lack of uniformity in the State's regulation and inspection of boilers within public places should be reviewed to determine how to improve safety standards and the overall process for inspection of boilers throughout the State; and

Whereas, this resolve requires that a working group be convened in time for a report to be submitted to the Second Regular Session of the 125th Legislature; 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 preserva-

tion of the public peace, health and safety; now, therefore, be it

Sec. 1. Commissioner of Professional and Financial Regulation to convene a working group to review the laws and rules governing boilers. Resolved: That the Commissioner of Professional and Financial Regulation shall convene a working group with the Board of Boilers and Pressure Vessels as well as other interested parties to review the current lack of uniformity in the laws and rules governing boilers, to develop recommendations to resolve conflicts and improve the regulation of boilers and to consider options for expanding inspections of boilers located in public places; and be it further

Sec. 2. Reporting date established. Resolved: That no later than January 15, 2012 the Commissioner of Professional and Financial Regulation shall submit a report of the findings and recommendations of the working group under section 1 to the Joint Standing Committee on Labor, Commerce, Research and Economic Development. That committee is authorized to introduce a bill on the subject matter of the report to the Second Regular Session of the 125th Legislature.

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

Effective May 23, 2011.

CHAPTER 46

S.P. 266 - L.D. 862

Resolve, Directing the Department of Environmental Protection To Amend Its Rules Governing the Length of Time Certain Permits Are Valid

Sec. 1. Department of Environmental Protection to amend rules. Resolved: That the Department of Environmental Protection shall amend its rules relating to the Natural Resources Protection Act and the laws governing site location of development and storm water to provide that permits issued with respect to these laws are valid for 4 years after they are issued and that a person who holds such a permit has 7 years to complete a project pursuant to such a permit.

See title page for effective date.

CHAPTER 47

H.P. 546 - L.D. 715

Resolve, To Ensure That Maine Teachers and Paraprofessionals Who Work with Children with Autism Spectrum Disorders Are Appropriately and Adequately Prepared

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

Whereas, it is vital to ensure children with autism spectrum disorders in our schools achieve the best educational outcomes possible; and

Whereas, it is necessary to ensure as soon as practicable that teachers of children with autism spectrum disorders are appropriately and adequately prepared; and

Whereas, this legislation provides a means to ensure teachers of children with autism spectrum disorders are appropriately and adequately prepared; 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. The State Board of Education and the Department of Education to study teachers and paraprofessionals who work with children with autism spectrum disorders. Resolved: That the State Board of Education and the Department of Education shall conduct a study to ensure that teachers and paraprofessionals who work with children with autism spectrum disorders are appropriately and adequately prepared. The department shall convene a work group with broad stakeholder representation. The purpose of the work group is to analyze the qualifications of teachers and paraprofessionals who work with children with autism spectrum disorders and to make recommendations that will assist the department in ensuring that the teachers and paraprofessionals are appropriately and adequately prepared. The work group shall:

1. Examine and recommend the minimum level of competencies that regular educators, special educators and paraprofessionals need to provide educational services to students with autism spectrum disorders;
2. Examine and recommend specific standards for paraprofessional supervision, including, but not lim-