

# 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**

**CHAPTER 57  
S.P. 367 - L.D. 1246**

**Resolve, Concerning Access to  
the Eastern Road in  
Scarborough**

**Sec. 1. Acquisition of easement for access  
to Eastern Road in the Town of Scarborough.**

**Resolved:** That the Department of Inland Fisheries and Wildlife, referred to in this resolve as "the department," shall convey easements for farm, conservation and residential use to Anthony Attardo and Anthony Attardo, Jr., referred to in this resolve as "the Attardos," through and across Eastern Road in the Town of Scarborough, running westerly from the intersection of Eastern Road with the westerly side of Black Point Road to the westerly sideline of Anthony Attardo, Jr.'s lot as the westerly terminus; and be it further

**Sec. 2. Consideration for easement. Resolved:** That the Attardos shall grant to the department an easement in a mutually acceptable location for maintenance, running from Eastern Road southerly across the land of the Attardos situated on the easterly side of the Black Point Road, for the purpose of maintaining undeveloped lands owned or controlled by the department. The Attardos shall reimburse the department for the department's legal expenses up to \$2,800. The granting of the easement to the department and the paying of the department's legal fees are the only considerations that are required of the Attardos in return for the easements conveyed under section 1; and be it further

**Sec. 3. Transfer. Resolved:** That the department shall deliver the deeds conveying the easements under section 1 to the Attardos no later than November 1, 2011.

See title page for effective date.

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**CHAPTER 58  
S.P. 263 - L.D. 859**

**Resolve, To Convene a Task  
Force To Study Cost-effective  
Ways of Dealing with an  
Increased Population of Those  
Affected by Alzheimer's  
Disease**

**Sec. 1. Alzheimer's disease. Resolved:** That the Commissioner of Health and Human Services shall convene a task force to review Alzheimer's disease-related issues in health care and to develop cost-effective ways of dealing with an estimated 50% increase in the number of patients with Alzheimer's disease in the next 15 years. The commissioner or the

commissioner's designee shall invite the participation of all interested parties, including but not limited to administrators and staff of nursing homes and long-term care facilities, medical professionals and members of Alzheimer's disease organizations; and be it further

**Sec. 2. Report. Resolved:** That, no later than December 7, 2011, the Commissioner of Health and Human Services shall report the findings of the task force under section 1 along with any recommended legislation to the Joint Standing Committee on Health and Human Services. The committee may submit a bill related to the report to the Second Regular Session of the 125th Legislature.

See title page for effective date.

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**CHAPTER 59  
H.P. 634 - L.D. 837**

**Resolve, To Enhance the Use of  
Integrated Pest Management  
on School Grounds**

**Sec. 1. Board of Pesticides Control to develop best management practices for the establishment and maintenance of school lawns, playgrounds and playing fields. Resolved:** That the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control, referred to in this resolve as "the board," shall develop best management practices for the establishment and maintenance of school lawns, playgrounds and playing fields. The best management practices must, at a minimum, address soil and site conditions, and establish treatment thresholds and guidelines based on practical considerations and current science.

The board shall provide every school administrative unit in the State with a copy of the best management practices developed under this section. The board's staff shall work with school integrated pest management coordinators appointed under board rule Chapter 27: Standards for Pesticide Applications and Public Notification in Schools to ensure that the best management practices and the connection between implementing those practices and an effective integrated pest management program are understood by the coordinators; and be it further

**Sec. 2. Assessment of compliance with rule for use of pesticides in schools and on school grounds. Resolved:** That the board shall assess compliance with board rule Chapter 27: Standards for Pesticide Applications and Public Notification in Schools. In conducting the assessment, the board shall focus particular attention on the processes used to determine the need for pest control and the selection of

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-