

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2012 to July 10, 2013**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 9, 2013**

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

---

---

**Augusta, Maine**  
**2013**

**CHAPTER 63**  
**H.P. 26 - L.D. 33**

**Resolve, Regarding Pesticide  
Applications and Public  
Notification in Schools**

**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 Department of Agriculture, Conservation and Forestry, Board of Pesticides Control has submitted a major substantive rule regarding a portion of Chapter 27: Standards for Pesticide Applications and Public Notification in Schools to the Legislature for review; and

**Whereas**, appropriately designed and constructed school grounds, particularly athletic playing fields, are integral to minimizing the use of synthetic pesticides on school grounds; 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 27: Standards for Pesticide Applications and Public Notification in Schools, a provisionally adopted major substantive rule of the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized; and be it further

**Sec. 2. Landscaping design. Resolved:** That the Commissioner of Education shall collaborate with the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control to develop standards and guidelines related to school grounds construction that would minimize or avoid the necessity of the use of pesticides on school grounds for new construction. The Commissioner of Education and the director of the Board of Pesticides Control shall report on their recommendations for school ground construction standards and guidelines to the Joint Standing Committee on Education and Cultural Affairs and the

Joint Standing Committee on Agriculture, Conservation and Forestry by March 15, 2014.

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

Effective June 22, 2013.

**CHAPTER 64**  
**S.P. 541 - L.D. 1467**

**Resolve, To Establish  
Demonstration Projects To  
Promote Economic  
Development in the Forest  
Products Industry**

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

**Whereas**, rural communities in the State are particularly dependent upon forest products industries for employment opportunities and economic development; and

**Whereas**, an increase in allowed gross vehicle weight over short distances can be tolerated by Maine's roads and bridges; and

**Whereas**, the proposed demonstration projects in this resolve would be a desirable catalyst for improved intermodal freight connectivity and economic development in a region of the State where employment opportunities and economic development are desperately needed; and

**Whereas**, it is important to get these demonstration projects under way as soon as practicable given the need for economic development in rural communities in the State; 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. Demonstration projects. Resolved:** That, notwithstanding the Maine Revised Statutes, Title 29-A, chapter 21, the Commissioner of Transportation, in consultation with the Department of Public Safety and the Secretary of State, may establish demonstration projects under the conditions set forth in this resolve that allow certain commercial vehicles to travel over certain routes in Aroostook County to carry logs and wood biomass at gross vehicle weights up to 200,000 pounds as determined by the Commissioner of Transportation.

**1. Designation of routes.** The demonstration projects may be conducted over the 2 following routes, both of which are less than 2 miles in length and connect forest harvesting sites and private logging roads to forest products processing and transportation facilities.

A. A route in the Town of Ashland that is approximately 1.9 miles in total length, with 0.9 miles on state or state aid highways, starting from a private logging road system in Ashland, then southeast on the Realty Road to the Garfield Road, then east on the Garfield Road to State Route 11, then east on State Route 11 over the bridge crossing the Aroostook River designated by the Department of Transportation as bridge number 3554 and continuing on State Route 11 to the Clark Siding Road, and then south on the Clark Siding Road to and along the former Levesque Mill, so-called.

B. A route in the Town of Masardis that is approximately 1.9 miles in length, with 1.6 miles on state or state aid highways, starting at the intersection of the Craig Road and the Craigville Road, the latter being part of a private logging road system, then north on the Craig Road to the Garfield Road, and then east on the Garfield Road and over the bridge crossing the Aroostook River designated by the Department of Transportation as bridge number 3407 to the south entrance to the Fraser Mill, so-called.

**2. Safety, infrastructure protection and local requirements.** The Commissioner of Transportation may authorize a demonstration project only if:

A. The chief engineer of the Department of Transportation finds that proposed truck configurations and weights can be safely operated over the route. In making this finding, the chief engineer may consider available manufacturer's ratings for gross vehicle weight, axle capacity, brake systems and other components. The chief engineer may place such restrictions on operations as are necessary to ensure public safety;

B. The chief engineer of the Department of Transportation finds that the public highway and bridge infrastructure affected by the demonstration project can withstand, or can be improved and maintained to withstand, proposed truck configurations and weight. The improvements necessary may include initial capital improvement and future maintenance or capital improvements; and

C. The municipal officers of the municipality in which the designated route is located vote to support the proposed demonstration project. The Department of Transportation shall ensure that public notice regarding the demonstration project has been provided in the affected municipalities.

**3. Funding of infrastructure improvements.** The Commissioner of Transportation may approve a demonstration project along a designated route only if the commissioner receives satisfactory assurance that at least 50% of the cost of highway and bridge improvements that the chief engineer determines are necessary pursuant to subsection 2, paragraph B will be provided by the relevant mill owner, other private entities or a public source other than the Department of Transportation. The Department of Transportation may provide the balance of funding.

**4. Enforcement.** A vehicle operating pursuant to this section must display a credential obtained for a fee from the Secretary of State. The fee must be established by the Commissioner of Transportation, in consultation with the Secretary of State, in an amount to cover related administrative costs and compliance monitoring. The Commissioner of Transportation may revoke the privileges of operation allowed under this section for cause, including repeatedly exceeding size and weight limits or operating outside the designated route of travel. Revocation by the Commissioner of Transportation is considered final agency action.

**5. Rules.** The Commissioner of Transportation and the Secretary of State shall adopt rules in consultation with the Department of Public Safety to implement this resolve. Rules adopted pursuant to this subsection are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

**6. Report.** Upon request by the joint standing committee of the Legislature having jurisdiction over transportation matters, the Commissioner of Transportation shall submit a report describing the status of, safety and infrastructure impacts from and lessons learned from the projects authorized under this resolve to the committee. The committee may submit a bill to the legislative session in which the report is submitted.

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

Effective June 22, 2013.

---



---

**CHAPTER 65**  
**H.P. 612 - L.D. 861**

**Resolve, Regarding Legislative  
Review of Portions of Chapter  
2: Rules Concerning the  
Processing of Applications and  
Other Administrative Matters,  
a Major Substantive Rule of  
the Department of  
Environmental Protection**