

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

FIRST SPECIAL SESSION
October 23, 2017 to November 6, 2017

SECOND REGULAR SESSION
January 3, 2018 to May 2, 2018

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 5, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2018

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

Augusta, Maine
2018

Whereas, a technical error during the initial creation of the fund resulted in a failure to provide for a base allocation of funds to the Finance Authority of Maine for the provision of loans and to pay the costs of administering the fund; and

Whereas, this allocation of funds is necessary to begin operation of the loan program immediately; 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. Appropriations and allocations. The following appropriations and allocations are made.

FINANCE AUTHORITY OF MAINE

Dairy Improvement Fund Z143

Initiative: Provides a base allocation to authorize expenditures of funds received by the Finance Authority of Maine to provide loans to assist dairy farmers in making capital improvements and to pay the administrative costs of administering the fund.

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
All Other	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

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

Effective March 7, 2018.

CHAPTER 332

S.P. 661 - L.D. 1776

An Act To Establish Requirements for Civil Deputies

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

Sec. 1. 14 MRSA §702, as amended by PL 1987, c. 223, §1, is further amended to read:

§702. Duty of sheriffs, deputies and civil deputies; fees

Every sheriff and each of his the sheriff's deputies and civil deputies, as defined in Title 30-A, section 351, subsection 5, shall serve and execute, within his the sheriff's county, all writs and precepts issued by lawful authority to him directed and committed to the sheriff, including those in which a town, plantation, or parish of which the sheriff is a resident, or religious society or school district, of which he the sheriff is at the time a member, is a party or interested, but his the sheriff's legal fees for service shall must first be paid or secured to him the sheriff. If the fees are not paid or secured to him the sheriff when the process is delivered to him the sheriff, he the sheriff shall immediately return it to the plaintiff or attorney offering it; or if sent to him the sheriff by mail or otherwise, he the sheriff shall put it into some a post office within 24 hours, directed to the person sending it; otherwise he the sheriff waives his the sheriff's right to his the sheriff's fees before service.

Sec. 2. 14 MRSA §709 is amended to read:

§709. Service on deputy sheriff or civil deputy sheriff

Any writ or precept in which the deputy or civil deputy, as defined in Title 30-A, section 351, subsection 5, of a sheriff is a party may be served by any other deputy or civil deputy of the same sheriff.

Sec. 3. 30-A MRSA §104, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

§104. Execution of process

Sheriffs and their deputies and constables shall execute all legal processes directed to them by the commissioners. A civil deputy, as defined in section 351, subsection 5, shall serve civil process as directed by the sheriff.

Sec. 4. 30-A MRSA §351, sub-§5 is enacted to read:

5. Civil deputy. "Civil deputy" means a deputy who meets the requirements for a civil deputy adopted by the sheriff and has been designated by the sheriff to enforce civil laws and serve civil process.

Sec. 5. 30-A MRSA §381, sub-§6 is enacted to read:

6. Exceptions for civil deputies. The provisions of subsections 1 to 5 do not apply to civil deputies. The sheriff may designate one or more persons to serve as civil deputies to enforce civil laws and serve civil process in accordance with the state rules of court. A civil deputy holds no other law enforcement powers. A civil deputy is compensated under section 386, subsection 4. The sheriff may adopt rules, proce-

dures and requirements related to the qualifications and training of a civil deputy and the service of civil process.

Sec. 6. 30-A MRSA §386, sub-§4 is enacted to read:

4. Civil deputies. Civil deputies must be compensated at a reasonable rate established by the county commissioners pursuant to section 421.

See title page for effective date.

CHAPTER 333

H.P. 1229 - L.D. 1784

An Act To Update the Laws Governing the Department of Environmental Protection's Rule-making Authority Concerning Underground Oil Storage Facilities To Align with Federal Regulations

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

Whereas, in October 2015, the United States Environmental Protection Agency completed revisions to the federal regulations concerning technical standards and corrective action requirements for owners and operators of underground oil storage tanks; and

Whereas, states that have been delegated or authorized to administer federal programs must adopt regulations that are no less stringent than applicable federal requirements within 3 years from the date that any revisions to those federal requirements are adopted; and

Whereas, the State has been delegated or authorized to administer the federal regulations governing underground oil storage tanks since July 1992; and

Whereas, the State must adopt several revisions to its statutory provisions and corresponding rules regarding underground oil storage facilities no later than October 2018 in order to maintain its delegated status; 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 §563-B, first ¶, as enacted by PL 1987, c. 491, §10, is amended to read:

In addition to the rule-making authorities otherwise set forth in this subchapter, the board department may adopt rules related to the following matters:

Sec. 2. 38 MRSA §563-B, sub-§2, as amended by PL 1991, c. 763, §3, is further amended to read:

2. Inventory reconciliation; precision testing; leak detection methods. Procedures and methods to be used in conducting statistical inventory analyses reconciliation, underground oil storage facility precision testing and other leak detection methods. The rules must allow owners or operators of facilities undergoing routine monitoring in the absence of any other evidence of a leak:

A. To check the accuracy of complete statistical inventory data within ~~75~~ 30 days of receipt by the commissioner of the initial statistical analysis reconciliation by rerunning analyses reconciliations before inconclusive reports are considered to be a failure of the tank or piping;

B. To check for failures in any mechanical and electronic monitoring devices within 3 working days of an indication of failure before it is considered a failure of the tank or piping;

C. To engage in procedures under paragraphs A and B before requiring the precision testing of facility components; and

D. To check the accuracy of a failed or inconclusive precision test of facility components before the commissioner may order the excavation of the facility or any portion of the facility. An owner or operator is allowed 2 weeks to schedule a repeat of the precision test;

Sec. 3. 38 MRSA §564, first ¶, as amended by PL 1989, c. 865, §10, is further amended to read:

The board department shall adopt rules necessary to minimize, to the extent practicable, the potential for discharges of oil from underground oil storage facilities and tanks used to store motor fuel or used in the marketing and distribution of oil to others. These rules must ensure that requirements and standards governing facilities under this section assure that the State's program meets requirements under the United States Resource Conservation and Recovery Act of 1976, Subtitle I, as amended. These rules are limited to the following requirements.

Sec. 4. 38 MRSA §564, sub-§1-A, ¶¶A and B, as amended by PL 1991, c. 494, §4, are further amended to read:

A. Monthly statistical inventory reconciliation of daily product inventory data ~~and an annual precision test of all tanks and piping by an independent~~