

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

CHAPTER 38

H.P. 1174 - L.D. 1694

Resolve, Directing the Department of Education To Adopt Protocols Designed To Prevent Youth Suicide

Sec. 1. Rulemaking; required suicide prevention protocols. Resolved: That the Commissioner of Education shall amend the Department of Education's rule Chapter 38: Suicide Awareness and Prevention in Maine Public Schools to require that school administrative units have protocols for suicide prevention and intervention and counseling services after an incident of youth suicide in place that are reviewed and approved by the Department of Education based on the best practices established by the National Alliance on Mental Illness Maine or a similar organization authorized by the Department of Health and Human Services through its suicide prevention program; and be it further

Sec. 2. Submission of rules. Resolved: That the rules to be amended by the Commissioner of Education in accordance with this resolve are major substantive rules pursuant to the Maine Revised Statutes, Title 20-A, section 4502, subsection 5-B. In order to implement the protocols as part of the State's suicide awareness education and training programs beginning with the 2019-2020 school year, the Department of Education shall provisionally adopt amended rules on or before December 31, 2018. The department shall submit the provisionally adopted rules to the Executive Director of the Legislative Council by the deadline established for the legislative rule acceptance period in 2019 in accordance with Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 39

H.P. 1242 - L.D. 1797

Resolve, Regarding Legislative Review of Portions of Chapter 418: Maine Solid Waste Management Rules: Beneficial Use of Solid Wastes, 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 418: Maine Solid Waste Management Rules: Beneficial Use of Solid Wastes, 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 only if the following changes are made:

1. The rule must be amended in Section 3(S), Section 5, Section 6(B), Appendix C and in any other affected sections of the rule relating to the beneficial use of emulsified asphalt encapsulated contaminated soil to allow the beneficial use of emulsified asphalt encapsulated contaminated soil that is produced from soil contaminated with contaminants other than oil only upon the issuance of a beneficial use license pursuant to Section 9 of the rule;

2. The rule must be amended to authorize the department to require a beneficial use licensee authorized pursuant to the rule to use secondary material as construction fill to implement an environmental monitoring plan, subject to review and approval by the department; and

3. All other necessary changes must be made to the rule to ensure conformity throughout the rule with the changes directed in this section.

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

Effective April 4, 2018.