

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST SPECIAL SESSION

August 26, 2019

SECOND REGULAR SESSION

January 8, 2020 to March 17, 2020

**THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION**

NON-EMERGENCY LAWS IS

NOVEMBER 25, 2019

**THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION**

NON-EMERGENCY LAWS IS

JUNE 16, 2020

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

**Augusta, Maine
2020**

dedicated to payment of costs and related expenses of restoration, enhancement, preservation and creation projects. The department may make payments from the fund consistent with the purpose of the fund. Income received under this subsection must be deposited with the State Treasurer to the credit of the compensation fund and may be invested as provided by law. Interest on these investments must be credited to the compensation fund.

(2) The department may enter into an enforceable, written agreement with a public, quasi-public or municipal organization or a private, nonprofit organization for the protection of natural areas. Such an organization must demonstrate the ability to receive compensation fees, administer a compensation fund and ensure that compensation projects are implemented consistent with local, regional or state management priorities. If compensation fees are provided to an authorized organization, the organization shall maintain records of expenditures and provide an annual summary report as requested by the department. If the authorized agency is a state agency other than the department, the agency shall establish a fund meeting the requirements specified in subparagraph (1). If the organization does not perform in accordance with this subsection or with the requirements of the written agreement, the department may revoke the organization's authority to conduct activities in accordance with this subsection.

Rules adopted pursuant to this subsection are routine technical rules under Title 5, chapter 375, subchapter 2-A.

Sec. 3. 38 MRSA §480-Z, sub-§7, ¶¶D and E, as enacted by PL 2007, c. 527, §1, are amended to read:

D. High and moderate value waterfowl and wading bird habitat, including nesting and feeding areas; ~~and~~

E. Shorebird nesting, feeding and staging areas; ~~and~~

Sec. 4. 38 MRSA §480-Z, sub-§7, ¶F is enacted to read:

F. Rivers, streams and brooks.

See title page for effective date.

**CHAPTER 582
H.P. 1263 - L.D. 1779**

An Act To Establish Standards for Operation and Maintenance and Asset Management for Publicly Owned Treatment Works and Municipal Satellite Collection Systems

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

Sec. 1. 38 MRSA §414-B, sub-§5 is enacted to read:

5. Operation and maintenance and asset management; rules. The department may adopt rules establishing standards for operation and maintenance and asset management for publicly owned treatment works and municipal satellite collection systems. For the purposes of this subsection, "municipal satellite collection system" has the same meaning as in section 414-D, subsection 1, paragraph A. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 583
H.P. 1264 - L.D. 1780**

An Act To Support Replacement of At-risk Home Heating Oil Tanks

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

Sec. 1. 38 MRSA §551, sub-§5, ¶¶N and O, as enacted by PL 2015, c. 319, §16, are amended to read:

N. Sums up to \$500,000 annually to retrofit, repair, replace or remove aboveground oil storage tanks or facilities when the commissioner determines that action is necessary to abate an imminent threat to a groundwater restoration project, a public water supply or a sensitive geologic area, including coastal islands and peninsulas. Money available under this paragraph may be disbursed by the department to pay reasonable costs actually incurred by municipalities in assisting the department in taking actions under this paragraph. Money available under this paragraph may also be used by the department to fund educational efforts that encourage the retrofit, repair, replacement or removal of aboveground oil storage tanks or facilities. Money

may not be disbursed from the fund for the purposes of this paragraph until the department has presented a plan for such disbursements to the Clean-up and Response Fund Review Board. Money may not be disbursed from the fund under this paragraph unless the department has adopted a written policy in accordance with the Maine Administrative Procedure Act establishing:

- (1) Criteria for determining those instances when funds should be disbursed under this paragraph, including criteria for determining what constitutes a sensitive geologic area;
- (2) Guidelines that ensure that money disbursed from the fund under this paragraph will be used in the most cost-effective manner, considering the likelihood of actual contamination of water supplies absent action taken pursuant to this paragraph, the costs of remediation of such contamination and the possibility that the owner of an aboveground oil storage tank or facility would retrofit, repair, replace or remove the tank at the owner's own expense;
- (3) Guidelines for payments to municipalities for reasonable administrative costs actually incurred by municipalities in assisting the department in taking actions under this paragraph;
- (4) A means test for eligibility for disbursements from the fund;
- (5) A deductible that is adjusted according to the financial means of the person receiving a disbursement; and
- (6) Limits for eligibility to residents of this State; ~~and~~

O. Sums up to \$2,000,000 annually to distribute to community action agencies as defined in Title 22, section 5321, subsection 2 for loans and grants to retrofit, repair, replace or remove aboveground and underground oil storage tanks and associated piping at single-family residences. Money may not be disbursed from the fund for the purposes of this paragraph until the department has presented a plan for such disbursements to the Clean-up and Response Fund Review Board. A community action agency shall administer the funds in accordance with program operating standards, including the allocation formula established by the Maine State Housing Authority for its weatherization program. Sums available under this paragraph may be disbursed by the department to pay reasonable costs actually incurred by a community action agency in providing services pursuant to this paragraph. Money may not be disbursed from the fund under this paragraph unless the department has adopted a

written policy in accordance with the Maine Administrative Procedure Act establishing guidelines for payments to community action agencies for reasonable administrative costs actually incurred by community action agencies in providing services pursuant to this paragraph; ~~and~~

Sec. 2. 38 MRSA §551, sub-§5, ¶P is enacted to read:

P. Sums of up to \$500,000 annually for loans and grants for department-approved rebate programs to retrofit, repair, replace or remove aboveground and underground oil storage tanks and associated piping at residential dwellings.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

**ENVIRONMENTAL PROTECTION,
DEPARTMENT OF**

Remediation and Waste Management 0247

Initiative: Provides an ongoing allocation to allow funds in the Maine Ground and Surface Waters Clean-up and Response Fund to be disbursed for loans and grants for department-approved rebate programs to retrofit, repair, replace or remove aboveground and underground oil storage tanks and associated piping at residential dwellings.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$0	\$500,000
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$500,000</u>

See title page for effective date.

CHAPTER 584

H.P. 1329 - L.D. 1858

**An Act To Protect Teachers
from Professional Teacher
Certificate Endorsement
Changes**

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

Sec. 1. 20-A MRSA §13006-A, sub-§3, as enacted by PL 2017, c. 235, §5 and affected by §41, is repealed and the following enacted in its place:

3. Application of rules revising credential qualifications or endorsements. An amendment to the rules adopted to implement this chapter or chapter 502 that revises the qualifications for a credential or the grades or subject area endorsements for a professional teacher certificate does not apply to the following: