

# 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-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**

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.

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

**CHAPTER 585  
S.P. 658 - L.D. 1911**

**An Act To Amend the  
Unemployment Compensation  
Laws**

**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 made to the laws governing unemployment compensation will have an adverse impact on the employer community if implemented; and

**Whereas,** this legislation makes changes to those laws that are necessary to eliminate the adverse impact; 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. 26 MRSA §1221, sub-§3, ¶A,** as amended by PL 2019, c. 343, Pt. TTT, §1, is further amended to read:

A. At the time the status of an employing unit is ascertained to be that of an employer, the commissioner shall establish and maintain, until the employer status is terminated, for the employer an experience rating record, to which are credited all the contributions that the employer pays on the employer's own behalf. This chapter may not be construed to grant any employer or individuals in the employer's service prior claims or rights to the amounts paid by the employer into the fund. Benefits paid to an eligible individual under the Employment Security Law must be charged against the experience rating record of the claimant's most recent subject employer, ~~except that, beginning January 1, 2022, benefits paid to an eligible individual under the Employment Security Law must be charged against the experience rating record of the claimant's employers in a ratio inversely proportional to the claimant's employment beginning with the most recent employer,~~ or to the General Fund if the otherwise chargeable experience rating record is that of an employer whose status as such has been terminated; except that no charge may be made to an individual employer but must be made to the General Fund if the commission finds that:

- (1) The claimant's separation from the claimant's last employer was for misconduct in connection with the claimant's employment or was

A. A person who held an active credential or endorsement during the school year preceding the adoption of revisions to the rules;

B. A person who held an active conditional certificate during the school year preceding the adoption of revisions to the rules;

C. A program completer who qualified for a recommendation for certification as a teacher during the school year preceding the adoption of revisions to the rules;

D. A person enrolled in an educator preparation program during the school year preceding the adoption of revisions to the rules; or

E. A person who began the application process for professional teacher certification with the department during the school year preceding the adoption of revisions to the rules.

**Sec. 2. 20-A MRSA §13013, sub-§3,** as amended by PL 2017, c. 235, §12 and affected by §41, is further amended to read:

**3. Endorsements.** A professional teacher certificate must be issued with an endorsement that specifies the grades and subject area that the teacher is ~~deemed~~ determined qualified to teach. A holder of a professional teacher certificate may not teach outside the certificate holder's area of endorsement unless the certificate holder has received a waiver from the commissioner in accordance with state board rules.

**Sec. 3. 20-A MRSA §13013, sub-§5,** as enacted by PL 2017, c. 235, §12 and affected by §41, is amended to read:

**5. Renewal.** A professional teacher certificate may be renewed for 5-year periods in accordance with state board rules, which must require, at a minimum, that the teacher, whether employed or unemployed, complete at least 6 semester hours of professional or academic study or in-service training designed to improve the performance of the teacher in the field. If the teacher has attained certification from the National Board for Professional Teaching Standards, the renewal period is for 10 years. If a rule adopted pursuant to section 13006-A amends the endorsement specifications for grades or subject areas for a teacher's professional teacher certificate, the teacher may renew the teacher's professional teacher certificate with the same grades and subject areas endorsements as were issued with the active professional teacher certificate that is held by the teacher at the time of the amendment.

See title page for effective date.