

# 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.**

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**Augusta, Maine  
2020**

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

Effective March 23, 2020.

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## CHAPTER 677

### H.P. 850 - L.D. 1167

#### An Act To Increase Consumption of Maine Foods in State Institutions

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

**Sec. 1.** 7 MRSA §211, as enacted by PL 1983, c. 608, §2, is amended to read:

**§211. Statement of policy**

It is the policy of the State to encourage the procurement of Maine foods and food products by state institutions to increase the viability of Maine farms and food businesses, thus making a positive contribution to the State's economy and enhancing food self-sufficiency for the State. State institutions and school districts in the State shall purchase food produced by Maine farmers or fishermen, provided that food is available in adequate quantity and meets acceptable quality standards, and is priced competitively.

**Sec. 2.** 7 MRSA §212, sub-§1, as enacted by PL 1983, c. 608, §2, is repealed.

**Sec. 3.** 7 MRSA §212, sub-§2, as enacted by PL 1983, c. 608, §2, is amended to read:

**2. Maine food producer.** "Maine food producer" means any person who is a resident farmer ~~or fisherman~~, person who fishes commercially or processor of food grown or harvested in the State, or an association of resident farmers ~~or fishermen~~, persons who fish commercially or food processors in a cooperative or producer group.

**Sec. 4.** 7 MRSA §212, sub-§3, as amended by PL 1989, c. 443, §18 and PL 2003, c. 20, Pt. OO, §2 and affected by §4, is repealed.

**Sec. 5.** 7 MRSA §213, as amended by PL 2005, c. 382, §C1, is repealed.

**Sec. 6.** 7 MRSA §214, as amended by PL 2011, c. 655, Pt. EE, §12 and affected by §30, is repealed.

**Sec. 7.** 7 MRSA §214-A is enacted to read:

**§214-A. Maine foods procurement program**

In accordance with this section, the commissioner shall establish and promote a Maine foods procurement program with the goal that, no later than 2025, 20% of all food and food products procured by state institutions are Maine food or food products.

**1. Institutional market development coordinator.** The commissioner shall designate an employee of the department as an institutional market development coordinator to serve as a representative to assist in the development of connections between state purchasers, Maine food producers, distributors and other institutional stakeholders.

**2. Guidelines.** The commissioner shall establish guidelines to assist state institutions to assess their ability to procure Maine foods and food products while minimizing costs for that procurement.

**3. Annual meeting.** The institutional market development coordinator may convene an annual meeting that brings together Maine food producers and food service professionals to enhance opportunities for cooperation and expand the purchase of Maine foods and food products by state institutions.

**4. Advisory committee.** The commissioner may establish an advisory committee to discuss strategies for expanding purchases of Maine foods and food products by state institutions. The advisory committee may be composed of representatives of state agencies, for-profit and nonprofit institutions and other relevant stakeholders identified by the commissioner.

**5. Report.** The commissioner shall include a description of the progress toward reaching the goal under this section in the biennial report submitted to the Legislature pursuant to section 2, subsection 5.

**Sec. 8.** 7 MRSA §215, as amended by PL 1989, c. 700, §A31, is repealed.

**Sec. 9.** 7 MRSA §215-A is enacted to read:

**§215-A. Rule-making authority**

The commissioner shall adopt rules necessary to carry out the provisions of this subchapter. The rules must establish a method and baseline to determine the percentage of Maine food or food products procured by state institutions based on dollars spent. Rules adopted under this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 10.** 7 MRSA §218, as enacted by PL 2005, c. 614, §4, is repealed.

**Sec. 11.** 7 MRSA §218-A is enacted to read:

**§218-A. Direct producer-to-consumer agriculture market programs**

**1. Education and outreach.** The commissioner shall provide education and outreach for the purpose of supporting Maine foods providers, such as farmers' markets, farm stands, community-supported agriculture programs and other direct producer-to-consumer venues to further the goal established in this chapter.

**2. Access to Maine foods and food products for recipients of benefits.** The commissioner shall im-

prove access to Maine foods and food products for recipients of benefits under any food supplement program administered by the Department of Health and Human Services under Title 22 by:

A. Expanding opportunities for farmers to sell Maine foods and food products to recipients of food supplement program benefits by promoting the use of electronic benefits transfer cards at farmers' markets and, in partnership with a statewide federation of farmers' markets, encouraging participation in community-supported agriculture by recipients of food supplement program benefits;

B. Assisting farmers' markets in accepting payments through the electronic benefits transfer system by helping them secure equipment, including equipment that does not require the use of electricity, for processing payments through the electronic benefits transfer system; and

C. In partnership with the Commissioner of Health and Human Services, educating recipients of food supplement program benefits of the opportunity to use the benefits at farmers' markets and the advantages of such use.

**Sec. 12. 7 MRSA c. 8-A, sub-c. 3,** as amended, is repealed.

See title page for effective date.

**CHAPTER 678**

**H.P. 1443 - L.D. 2033**

**An Act To Ensure Proper Closure of Oil Terminal Facilities**

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

**Sec. 1. 38 MRSA §542, sub-§4-B** is enacted to read:

**4-B. Facility closure.** "Facility closure" means:

A. Removal of oil and oil residuals from tanks and related appurtenances;

B. Decontamination of tanks and related appurtenances;

C. Removal of tanks and related appurtenances;

D. Disconnection and removal of underground piping or secure capping or plugging of underground piping when removal is not feasible; and

E. Any other steps required to safely decommission the facility and remediate sediment, soils, groundwaters and surface waters such that the fa-

cility site, as determined by the department, is suitable for residential use or meets the most protective use standards practicable for the facility site.

**Sec. 2. 38 MRSA §542, sub-§6,** as amended by PL 2015, c. 319, §11, is further amended to read:

**6. Oil.** "Oil" means oil, oil additives, petroleum products and their by-products of any kind and in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, oil mixed with other wastes, liquid asphalt, bunker fuel, crude oils and all other liquid hydrocarbons regardless of specific gravity. "Oil" does not include liquid natural gas.

**Sec. 3. 38 MRSA §542, sub-§7,** as amended by PL 1993, c. 355, §7, is further amended to read:

**7. Oil terminal facility or facility.** "Oil terminal facility" or "facility" means any facility of any kind and related appurtenances, located in, on or under the surface of any land or water, including submerged lands, ~~which~~ that is used or capable of being used for the purpose of transferring, processing or refining oil, or for the purpose of storing the same, but does not include any facility used or capable of being used to store no more than ~~4,500~~ 1,500 barrels or 63,000 gallons, nor any facility not engaged in the transfer of oil to or from waters of the State. A vessel is considered an oil terminal facility only in the event of a ship-to-ship transfer of oil, but only that vessel going to or coming from the place of ship-to-ship transfer and a permanent or fixed oil terminal facility. The term does not include vessels engaged in oil spill response activities.

**Sec. 4. 38 MRSA §542, sub-§9-D** is enacted to read:

**9-D. Related appurtenances.** "Related appurtenances" means pumps, valves, piping, loading racks, secondary containment and, as determined by the department, any other structures related to the operation of an oil terminal facility.

**Sec. 5. 38 MRSA §546,** as amended by PL 1991, c. 698, §6, is further amended to read:

**§546. Regulatory powers of ~~board~~ department**

**4. Extent of regulatory powers.** The ~~board~~ department shall ~~have the power to~~ adopt rules and ~~regulations~~ including but not limited to rules governing the following matters:

A. Operating and inspection requirements for facilities, vessels, personnel and other matters relating to licensee operations under this subchapter, including annual inspections of oil terminal facilities;

B. Procedures and methods of reporting discharges and other occurrences prohibited by this subchapter;