

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

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

Augusta, Maine
2019

ferred to in Section 4, subsection 4 will make up 5% of the total score.

2. The rule must be amended in Section 6, subsection 2 by providing that an applicant or partner who receives a grant award from the fund in a given fiscal year is not eligible to apply for another grant award from the fund until one fiscal year after the end of the program, function or service funded by the initial grant, and any subsequent application from that applicant or partner must be for a new program, service or function that was not funded by the previous award from the fund.

3. The rule must be amended in Section 6 by adding a subsection on the replication of grants that provides that the replication of a project of similar scope or service previously funded by an award from the fund is permissible by a new applicant and partners.

The Department of Education is not required to hold hearings or undertake further proceedings prior to the final adoption of the rule in accordance with this section.

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

Effective March 25, 2019.

CHAPTER 9

H.P. 86 - L.D. 100

Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting System for Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization

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 270: Uniform Reporting System for Quality Data Sets, a provisionally adopted major substantive rule of the Maine Health Data Organization that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective March 25, 2019.

CHAPTER 10

H.P. 170 - L.D. 207

Resolve, To Rename the Stillwater Bridges in Old Town the Llewellyn Estes Bridge

Sec. 1. Stillwater bridges renamed. Resolved: That the Department of Transportation shall designate Bridge 1472 and Bridge 2806 in the City of Old Town, currently known as Stillwater Bridge #1 and Stillwater Bridge #2, the Llewellyn Estes Bridge.

See title page for effective date.

CHAPTER 11

H.P. 293 - L.D. 384

Resolve, Directing the Secretary of State To Review the Revised Uniform Law on Notarial Acts

Sec. 1. Secretary of State to review uniform legislation. Resolved: That the Secretary of State shall review the uniform law entitled "Revised Uniform Law on Notarial Acts," which was approved and recommended for enactment by the National Conference of Commissioners on Uniform State Laws on November 15, 2010 and any subsequent amendments to that uniform law approved by the National Conference of Commissioners on Uniform State Laws. In conducting this review, the Secretary of State may consult with state and national associations for notaries public, as well as other experts in the field of notarial law and practice. Based on that review, the Secretary of State shall submit a report including a recommendation regarding whether the Legislature

should adopt the uniform law, with or without changes, together with any proposed implementing legislation, to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than January 15, 2021. Following receipt and review of the report, the joint standing committee of the Legislature having jurisdiction over judiciary matters is authorized to report out a bill to the First Regular Session of the 130th Legislature.

See title page for effective date.

CHAPTER 12

H.P. 207 - L.D. 283

Resolve, Regarding Legislative Review of Portions of Chapter 132: Learning Results: Parameters for Essential Instruction, a Major Substantive Rule of the Department of Education

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, a 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 132: Learning Results: Parameters for Essential Instruction, a provisionally adopted major substantive rule of the Department of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective April 19, 2019.

CHAPTER 13

H.P. 400 - L.D. 543

Resolve, To Facilitate the Protection of Public Health through Increased Subsurface Wastewater Inspections

Sec. 1. Department of Health and Human Services; report. Resolved: That, on or before January 15, 2020, the Department of Health and Human Services, in consultation with the Department of Environmental Protection, shall submit a report to the Joint Standing Committee on Environment and Natural Resources that contains the following information:

1. A description of the time frame for adoption of rules pursuant to the Maine Revised Statutes, Title 22, section 42, subsections 3 and 3-B regarding minimum standards for septic system inspections and the qualifications and training required for certification as a septic system inspector by the Department of Health and Human Services and the time frame for implementation of a revised septic system inspector certification program consistent with those new rules following their adoption;

2. If available, an estimate of the number of individuals currently performing septic system inspections in the State, including an estimate of the total number of such individuals who have been certified by the Department of Health and Human Services under the current septic system inspector certification program, as well as an estimate of the number of septic system inspections that are performed in the State in any given calendar year;

3. An assessment by the Department of Health and Human Services of the ability of the State's septic system inspection industry to meet an increased demand for septic system inspections if the Legislature were to amend the Maine Revised Statutes, Title 30-A, section 4216 to require a person purchasing any property on which a septic system is located to have the system inspected prior to purchase, subject to the same exceptions currently included in section 4216. The assessment must, if applicable, include specific proposals to address any identified issues with the industry's ability to meet such increased demand; and

4. Recommendations regarding the need for increased resources or funding for the Department of Health and Human Services to address issues raised by the implementation by the department of a revised septic system inspector certification program described in subsection 1 or by the implementation by the Legislature of the proposal described in subsection 3, as well as any other recommendations relating to the