

# 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-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**

3. The rule must be amended in sections 3(A)(2), 3(A)(3), 4(A)(2) and 4(A)(3) to remove language authorizing the expansion of an underground or above-ground oil storage facility on parcels contiguous to the facility;

4. The rule must be amended in sections 3(A)(2) and 3(A)(3) to remove language clarifying that fill pipes for product delivery to tanks and the loading and unloading area of bulk plants or other distribution facilities where oil is transferred to tank trucks or railroad cars may not be located closer to private or public drinking water wells than their location prior to the expansion;

5. The rule must be amended in section 3(B) to provide that the Commissioner of Environmental Protection may require an applicant for a variance to provide additional information to be used in making the variance determination;

6. The rule must be amended in section 4(C)(1) to clarify that the Commissioner of Environmental Protection may grant a variance for a proposed facility located on a polluted significant sand and gravel aquifer or other significant sand and gravel aquifer with low potential for use if the proposed facility is located in an urban area of dense commercial or industrial land uses or an area where a public water supply well is unlikely in the foreseeable future and a public drinking water system serves all drinking water users within 1,000 feet of the proposed facility;

7. The rule must be amended in section 4(C)(1) to remove language authorizing the Commissioner of Environmental Protection to grant a variance for a proposed facility located on a polluted significant sand and gravel aquifer or other significant sand and gravel aquifer with low potential for use if the proposed facility is located in an area where a public water supply well is zoned by a municipality specifically for commercial or industrial land uses;

8. The rule must be amended in section 4(D)(1) to provide that the Commissioner of Environmental Protection may require a hydrogeologic evaluation when a proposed facility is located in an area identified by the Department of Environmental Protection as an area with a high likelihood of containing an unmapped, high yield significant sand and gravel aquifer, including, but not limited to, an aquifer associated with a surface water body or containing deep glacial drift deposits or an area with a high likelihood of being used for a public water supply or the expansion of an existing public water utility. This determination must be made based on readily available information and best professional judgment and with input from the local public water utility, if any;

9. The rule must be amended in section 4(E)(4) to clarify the variance requirement that the applicant submit a letter from the municipality in which the pro-

posed facility is located stating that the facility is needed within the community and that the specific location is acceptable to the municipality and to the local public water utility, if any;

10. The rule must be amended in section 4(F) to delete the cross-reference to section 3(B);

11. All necessary grammatical, formatting, punctuation or other technical nonsubstantive editing changes must be made to the rule; and

12. All other necessary changes must be made to the rule to ensure conformity throughout the rule and consistency with the provisions of this section.

The Department of Environmental Protection is not required to hold hearings or undertake further proceedings prior to 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 May 16, 2019.

---



---

## CHAPTER 28

### H.P. 726 - L.D. 971

#### **Resolve, To Establish a Specialty Crops Certification Cost-share Pilot Program**

**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 Commissioner of Agriculture, Conservation and Forestry stands ready to establish immediately a specialty crops certification cost-share pilot program for qualified farms to certify their crops under the "Good Agricultural Practices" and "Good Handling Practices" voluntary audit programs under the United States Department of Agriculture, Agricultural Marketing Service; and

**Whereas,** as implementation of the federal Food Safety Modernization Act progresses, there is an increasing interest among growers of specialty crops in voluntary audit programs; and

**Whereas,** these voluntary audit programs are among the best tools available to growers and distributors of specialty crops to ensure a base level of sanitation and food safety; 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 preserva-

tion of the public peace, health and safety; now, therefore, be it

**Sec. 1. Establishment of a specialty crops certification cost-share pilot program. Resolved:** That the Commissioner of Agriculture, Conservation and Forestry shall establish a specialty crops certification cost-share pilot program, referred to in this resolve as "the pilot program" for a period of 4 years. Under the program, qualified farms may be entitled to reimbursement of up to 50% of the cost of certification of specialty crops under the "Good Agricultural Practices" and "Good Handling Practices" voluntary audit programs under the United States Department of Agriculture, Agricultural Marketing Service. "Specialty crops" means qualifying fruits and vegetables, tree nuts, dried fruits and horticulture and nursery crops, including floriculture;

**Sec. 2. Reimbursement. Resolved:** That reimbursement of funds under the pilot program is for initial one-time payment and may not be more than \$500 per qualified farm;

**Sec. 3. Report. Resolved:** That the Commissioner of Agriculture, Conservation and Forestry shall monitor the pilot program and report findings and recommendations to the joint standing committee having jurisdiction over agricultural matters no later than December 15, 2023. The joint standing committee having jurisdiction over agricultural matters may submit a bill to the Second Regular Session of the 131st Legislature relating to the subject matter of the report.

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

Effective May 16, 2019.

---

---

**CHAPTER 29**

**H.P. 472 - L.D. 651**

**Resolve, To Facilitate School Access to Federal Title I Funds and Improve the Delivery of Special Education Services**

**Sec. 1. Delivery of special education services. Resolved:** That the Department of Education, no later than January 1, 2020, shall report to the Joint Standing Committee on Education and Cultural Affairs on the progress, including recommendations and suggested legislation, on the following current projects, which were recommendations of the Task Force To Identify Special Education Cost Drivers and Innovative Approaches to Services during the 128th Legislature:

1. Enhancement of response to intervention to become an all-encompassing multitiered system of

support in all school administrative units and removing the regulations on general education interventions from Department of Education rule Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty and amending rule Chapter 125: Basic Approval Standards: Public Schools and School Administrative Units to include regulations on general education interventions;

2. Facilitation of the process by which schools apply for schoolwide status with respect to funds under Title I of the federal Elementary and Secondary Education Act of 1965;

3. Increased use of dual certification programs for general education and special education certification;

4. Review of the maintenance of effort funding component of the essential programs and services funding formula under the Maine Revised Statutes, Title 20-A, section 15681-A, subsection 2, paragraph D; and

5. Improvement of regional programs that facilitate MaineCare billing for medically necessary services for schools.

The Joint Standing Committee on Education and Cultural Affairs may report out a bill to the Second Regular Session of the 129th Legislature to implement any recommendations in the report.

See title page for effective date.

---

---

**CHAPTER 30**

**H.P. 479 - L.D. 658**

**Resolve, To Increase Energy Independence for Maine**

**Sec. 1. Energy planning. Resolved:** That the Governor's Energy Office shall, as a complement to the State's overall interagency and regional planning goals and in coordination with development of the state energy plan prepared pursuant to Title 2, section 9, subsection 3, paragraph C or other planning initiatives, conduct an analysis for at least one scenario through which the State, by 2030, can become a net exporter of energy through the development and expansion of energy generating capacity within the boundaries of the State and its coastal waters, energy conservation and energy efficiency at levels sufficient to offset the total value of the State's domestic energy consumption across all sectors. This analysis must identify economic benefits to the State from becoming a net exporter and policies that would be necessary to achieve this outcome.

**Sec. 2. Report. Resolved:** That the Governor's Energy Office shall provide a report on progress regarding the state energy plan and the analysis re-