

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 18, 2021

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

Augusta, Maine
2021

or on behalf of a covered official or a covered official's immediate family member in any of those months, a monthly report in the manner prescribed in subsection 1 even if compensation or reimbursement for expenses has not been received for the month.

Sec. C-3. 5 MRSA §7-B, as amended by PL 2019, c. 578, §2, is further amended to read:

§7-B. Use of state vehicles for commuting

A Notwithstanding section 7-A, a state-owned or state-leased vehicle may not be used by any employee to commute between home and work, except for those vehicles authorized and assigned to employees of the Baxter State Park Authority and of the Department of Defense, Veterans and Emergency Management, Military Bureau as designated by the Commissioner of Defense, Veterans and Emergency Management and to law enforcement officials within the following organizational units: Bureau of State Police; Maine Drug Enforcement Agency; Office of the State Fire Marshal; the division within the Department of Public Safety designated by the Commissioner of Public Safety to enforce the law relating to the manufacture, importation, storage, transportation and sale of all liquor and to administer those laws relating to licensing and collection of taxes on malt liquor and wine; Bureau of Motor Vehicles; Bureau of Marine Patrol; the forest protection unit within the Bureau of Forestry; Bureau of Warden Service; Bureau of Parks and Lands; and the Office of Chief Medical Examiner, the investigation division and the Medicaid fraud control unit within the Office of the Attorney General.

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

Effective June 21, 2021.

CHAPTER 294

H.P. 119 - L.D. 163

An Act Concerning the Regulation of Air Emissions at Petroleum Storage Facilities

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

Sec. 1. 38 MRSA §590, sub-§1, as amended by PL 2001, c. 626, §16, is repealed and the following enacted in its place:

1. License required; rules. After ambient air quality standards and emission standards have been established within a region, the board may by rule provide that a person may not operate, maintain or modify in that region any air contamination source or emit any

air contaminants in that region without an air emission license from the department.

A. As a condition of licensure under this chapter for any petroleum storage facility with an above-ground petroleum storage tank, the facility shall:

(1) Ensure that any new aboveground petroleum storage tank with a storage capacity greater than 39,000 gallons used for the storage of distillate fuel products is equipped with a floating roof;

(2) Maintain a record of any additives or materials added to any heated, aboveground petroleum storage tank;

(3) Ensure that any heated, fixed-roof aboveground petroleum storage tank is fully insulated in a manner that minimizes temperature fluctuation and resulting breathing losses and that the temperature of the petroleum product stored in the tank is continuously monitored;

(4) Implement forward-looking infrared technology for the monitoring of vapor leaks around any aboveground petroleum storage tank with a storage capacity greater than 39,000 gallons, as well as around the piping and fittings associated with the tank. The facility shall conduct such monitoring on at least a quarterly basis, and the results of that monitoring and any resulting repairs made as a result of detected leaks must be properly documented and provided to the department upon request;

(5) Collect site-specific air emission test data semiannually during the most active time of operations for any existing, new or modified heated, aboveground petroleum storage tank with a storage capacity greater than 39,000 gallons, and the collected data must be used to establish site-specific air emission factors. A facility that operates in a similar manner multiple tanks of the same construction storing the same product may, upon approval by the department, collect site-specific air emission test data from a representative tank in lieu of testing all similarly operating tanks. The test data collected by the facility must be used for the purposes of annual air emissions reporting and by the department when determining compliance with licensed air emission limits;

(6) Conduct on a monthly basis a visual inspection of the internal, floating roof of any aboveground petroleum storage tank equipped with such a roof; conduct on a monthly basis an external leak inspection of that roof using photo ionization detection technology or flame ionization detection technology; and conduct a complete inspection of the cover and seal

associated with that roof every 5 years and each time the tank is emptied and degassed; and

(7) If the facility has an aboveground petroleum storage tank with a storage capacity greater than 39,000 gallons that is equipped with an external or internal floating roof, implement a fenceline monitoring program, designed and operated by a qualified, independent 3rd-party entity, which must provide continuous emission monitoring consistent with the requirements of the United States Environmental Protection Agency’s Method 325A, Volatile Organic Compounds from Fugitive and Area Sources: Sampler Deployment and VOC Sample Collection, and Method 325B, Volatile Organic Compounds from Fugitive and Area Sources: Sampler Preparation and Analysis. The facility shall provide to the department a description of its fenceline monitoring program and a copy of all data collected under the program, which the department shall make available on its publicly accessible website.

B. A facility required to be licensed under this chapter may not load distillate fuel into a cargo tank that carried gasoline as its most recent load unless the facility is equipped with and uses a collection and control system for air emissions of volatile organic compounds.

C. As a condition of licensure under this chapter for any new or modified bulk gasoline terminal, the terminal shall implement best practical treatment for emissions associated with the loading, unloading and storage of gasoline at the terminal that is equivalent or substantially similar to applicable best available control technology requirements implemented by the United States Environmental Protection Agency pursuant to the federal Clean Air Act.

D. At least once every 5 years, the board shall evaluate and, if determined necessary, update the best practical treatment requirements applicable to licensed petroleum storage facilities with aboveground petroleum storage tanks. In evaluating the best practical treatment requirements pursuant to this paragraph, the board shall consider best practical treatment requirements for aboveground petroleum storage tanks implemented by other New England states and applicable best available control technology requirements implemented by the United States Environmental Protection Agency pursuant to the federal Clean Air Act.

E. An incinerator may not be used to dispose of solid waste without a license from the department, except an incinerator with a primary chamber volume no greater than 133 cubic feet or 1,000 gallons

that burns only wood waste as defined in Title 12, section 9324, subsection 7-A and painted and unpainted wood from construction and demolition debris.

As used in this subsection, “petroleum storage facility” means a storage facility that receives petroleum products from refineries primarily by pipeline, ship or barge and delivers those products to bulk plants or to commercial or retail accounts primarily by tank truck.

The board may adopt rules to implement paragraphs A to E. Rules initially adopted to implement paragraphs A to E are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. Any subsequent revision to rules adopted to implement paragraphs A to E are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. Department of Environmental Protection; rulemaking. On or before December 31, 2021, the Department of Environmental Protection shall initiate rulemaking to amend its rules regulating air emissions adopted pursuant to the Maine Revised Statutes, Title 38, sections 585, 585-A and 590 to align those rules as necessary with the provisions of Title 38, section 590, subsection 1, paragraphs A to E.

See title page for effective date.

CHAPTER 295

H.P. 348 - L.D. 474

An Act Regarding School Discipline for Maine's Youngest Children

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

Sec. 1. 20-A MRSA §1001, sub-§8-A, ¶A, as enacted by PL 2011, c. 614, §3, is amended by amending subparagraph (1), division (d) to read:

(d) A description of the hearing process; ~~and~~

Sec. 2. 20-A MRSA §1001, sub-§8-A, ¶A, as enacted by PL 2011, c. 614, §3, is amended by enacting a new subparagraph (1), division (f) to read:

(f) A list of available free and low-cost legal services, which must be created and updated annually by the department; and

Sec. 3. 20-A MRSA §1001, sub-§9, as amended by PL 2017, c. 407, Pt. A, §57, is further amended to read:

9. Students expelled or suspended. Following a proper investigation of a student's behavior and due process proceedings pursuant to subsection 8-A, if found necessary for the peace and usefulness of the school, a