

# 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.**

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**Augusta, Maine**  
**2021**

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.

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**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

school board shall expel any student, except a student who is enrolled in grade 5 or below:

- A. Who is deliberately disobedient or deliberately disorderly;
- B. For infractions of violence;
- C. Who possesses on school property a firearm as defined in Title 17-A, section 2, subsection 12-A or a dangerous weapon as defined in Title 17-A, section 2, subsection 9 without permission of a school official;
- D. Who, with use of any other dangerous weapon as defined in Title 17-A, section 2, subsection 9, paragraph A, intentionally or knowingly causes injury or accompanies use of a weapon with a threat to cause injury; or
- E. Who possesses, furnishes or trafficks in any scheduled drug as defined in Title 17-A, chapter 45.

A student may be readmitted on satisfactory evidence that the behavior that was the cause of the student being expelled will not likely recur. The school board may authorize the principal to suspend students up to a maximum of 10 days for infractions of school rules, except that the school board may not authorize the principal to issue an out-of-school suspension to a student who is enrolled in grade 5 or below except as provided under subsection 9-A or unless the principal determines that there is an imminent danger of serious physical injury to the student or others and less restrictive interventions would be ineffective. An out-of-school suspension for a student who is enrolled in grade 5 or below may not exceed 3 days. In addition to other powers and duties under this subsection, the school board may develop a policy requiring a student who is in violation of school substance use or possession rules to participate in substance use disorder services as provided in section 6606. Nothing in this subsection or subsection 9-C prevents a school board from providing educational services in an alternative setting to a student who has been expelled.

**Sec. 4. 20-A MRSA §1001, sub-§15,** as amended by PL 2011, c. 659, §2, is further amended to read:

**15. Adoption of student code of conduct.** With input from educators, administrators, parents, students and community members, they shall adopt a ~~district-wide~~ districtwide student code of conduct consistent with the statewide standards for student behavior developed under section 254, subsection 11. The student code of conduct must:

- A. Define unacceptable student behavior;
- B. Establish standards of student responsibility for behavior;

C. Prescribe consequences for violation of the student code of conduct, including first-time violations, when appropriate;

D. Describe appropriate procedures for referring students in need of special services to those services;

E. Establish criteria to determine when further assessment of a current individual education plan is necessary, based on removal of the student from class;

F. Establish policies and procedures concerning the removal of disruptive or violent students or students threatening death or bodily harm to others from a classroom or a school bus, as well as student disciplinary and placement decisions, when appropriate;

G. Establish guidelines and criteria concerning the appropriate circumstances when the superintendent or the superintendent's designee may provide information to the local police or other appropriate law enforcement authorities regarding an offense that involves violence committed by any person on school grounds or other school property; ~~and~~

H. Establish policies and procedures to address bullying, harassment and sexual harassment as set forth in section 6554-~~;~~

I. Provide that recess may not be withheld as a consequence of a violation of the student code of conduct by any student enrolled in grade 5 or below, except that when there is no alternative time available, recess time may be used for restorative interventions as defined in section 1001, subsection 15-A, paragraph B related to the student's behavior;

J. Establish that an out-of-school suspension or expulsion may not be issued to a student in grade 5 or below except as provided under subsection 9 or 9-A or unless the principal determines that there is an imminent danger of serious physical injury to the student or others and less restrictive interventions would be ineffective; and

K. Establish that an out-of-school suspension for a student in grade 5 or below may not exceed 3 days.

The school board is responsible for ensuring that school officials inform students, parents and community members of the student code of conduct.

See title page for effective date.