

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

**CHAPTER 51
H.P. 1224 - L.D. 1653**

Resolve, Regarding Legislative Review of Chapter 124: Emergency Medical Services Personnel Reporting Rule, a Late-filed Major Substantive Rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention

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 outside the legislative rule acceptance period; 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 Chapter 124: Emergency Medical Services Personnel Reporting Rule, a provisionally adopted major substantive rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A outside the legislative rule acceptance period, is authorized.

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

Effective June 11, 2021.

**CHAPTER 52
S.P. 258 - L.D. 672**

Resolve, To Direct the Department of Transportation To Use a Rail Corridor Use Advisory Council in Reviewing the Mountain Division Line for Potential Nonrail Uses

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, Maine's rail corridors that are not currently in use have been the subject of much discussion and review by the Legislature and communities that live along the corridors; and

Whereas, there is a strong and urgent interest in evaluating the potential economic benefits and costs of alternative uses of the Mountain Division Line rail corridor, including, but not limited to, rail use, trail use or bikeways; 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. Rail corridor use advisory council. Resolved: That, upon petition by one or more governmental entities that represent communities along the approximately 28 miles of state-owned railroad track on the Mountain Division Line connecting the Town of Standish and the Town of Fryeburg, the Commissioner of Transportation shall establish a rail corridor use advisory council, referred to in this resolve as "the council," to facilitate discussion, gather information and provide advice to the commissioner regarding future use of that approximately 28-mile portion of the rail corridor. The council shall review and make recommendations on the likelihood, economic benefits and costs of potential uses of the rail corridor, including, but not limited to, rail use, trail use or bikeways. Any nonrail use of a rail corridor must be considered by a council to be interim in nature, and all such rail corridors must be preserved for future rail use as provided in the Maine Revised Statutes, Title 23, chapter 615.

Sec. 2. Meetings; chair. Resolved: That the Commissioner of Transportation shall designate the chair of the council. The Department of Transportation shall provide staff support to the council. The council may adopt bylaws and other policies to effectively govern its proceedings. The council shall meet at the call of

the chair and shall hold a minimum of one public hearing located in the geographic area along the Mountain Division Line.

Sec. 3. Report. Resolved: That, within 9 months of convening its first meeting, the council shall submit a report to the Commissioner of Transportation on its findings and recommendations regarding the use of the Mountain Division Line, including majority and minority reports if necessary.

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

Effective June 14, 2021.

**CHAPTER 53
S.P. 95 - L.D. 227**

Resolve, To Conduct a Transit Propensity Study for Communities between Portland and Bangor

Sec. 1. Transit propensity study. Resolved: That, if the Department of Transportation receives funding in accordance with section 2, the department shall conduct a transit propensity study to assess the demand and viability for new or enhanced transit service, including passenger rail, between the communities of Portland and Bangor. The study must include a review of relevant traffic counts, most recent data from the United States Census Bureau, population and employment data, all reasonably feasible corridors of service and primary trip generators that could significantly affect demand. The department shall submit a report of its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over transportation matters no later than January 1, 2023. The report must include estimates of the propensity of transit service demand, an estimated range of incremental growth in transit service and cost estimates of capital required for operating new or enhanced transit service. The joint standing committee of the Legislature having jurisdiction over transportation matters may submit a bill to the First Regular Session of the 131st Legislature based on the findings provided in the department's report.

Sec. 2. Municipal partnership. Resolved: That the Department of Transportation shall seek funding contributions to fully fund the costs of the study under section 1. The total costs of the study must be determined by the department. No funds may be collected by or transferred to the department for the purpose of conducting the study unless the department receives from municipalities for which new or enhanced transit service will be assessed as part of the study commitments for no less than 25% of the overall costs of the study.

The department may enter into agreements with municipalities for the municipalities to pay their portions to fund the study in a single installment or in multiple installments. If municipalities have not fulfilled their commitment to provide 25% of the overall costs of the study by the dates agreed upon with the department, the department may discontinue the study. If the department discontinues the study, any remaining funds received from municipalities must be returned to the municipalities and any remaining department funds for the study must be returned to the accounts from which they were received.

Sec. 3. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

**TRANSPORTATION, DEPARTMENT OF
Multimodal - Passenger Rail Z139**

Initiative: Provides one-time funding for a transit propensity study to assess the demand and desire for transit, including but not limited to passenger rail, between the communities of Portland and Bangor.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
All Other	\$150,000	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$150,000	\$0

See title page for effective date.

**CHAPTER 54
S.P. 209 - L.D. 524**

Resolve, Directing the Board of Pesticides Control To Research Workable Methods To Collect Pesticide Sales and Use Records for the Purpose of Providing Information to the Public

Sec. 1. Department of Agriculture, Conservation and Forestry, Board of Pesticides Control to research workable methods to collect pesticide sales and use records. Resolved: That the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control shall research workable methods to collect pesticide sales and use records for the purpose of providing information to the public. The board shall explore the best methods for collecting pesticide use information from schools as defined in the board's rule Chapter 27: Standards for Pesticide Applications and Public Notification in Schools; private applicators as defined in the Maine Revised Statutes, Title 22, section 1471-C, subsection 22; and commercial ap-