

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE
AT THE

SECOND REGULAR SESSION

January 4, 1978 to April 6, 1978

FIRST SPECIAL SESSION

(No laws enacted)

September 6, 1978 to September 15, 1978

SECOND SPECIAL SESSION

October 18, 1978

THIRD SPECIAL SESSION

December 6, 1978

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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Augusta, Maine
1979

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND EIGHTH LEGISLATURE
January 4, 1978 to April 6, 1978

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

30 MRSA § 4762, as last amended by PL 1975, c. 229, is further amended to read:

§ 4762. Limitations

The state authority shall not at any time have, in the aggregate principal amount thereof outstanding, mortgage purchase bonds in excess of ~~\$150,000,000~~ \$225,000,000.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective February 15, 1978

CHAPTER 602

AN ACT Relating to Incinerator Particulate Emission Standard For Wood Waste Teepee Burners.

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

Sec. 1. 38 MRSA § 601, sub-§ 1, as amended by PL 1975, c. 669, §§ 2 and 3, is further amended to read:

1. Scope. This section shall be applicable to all incinerators and shall be effective in all regions in the State of Maine as follows:

A. Immediately for all incinerators, the construction or operation of which begins after January 31, 1972; and

B. June 1, 1975 for all existing incinerators, except existing wood waste teepee incinerators; ~~and~~

~~C. June 1, 1980 for all existing wood waste teepee incinerators.~~

Sec. 2. 38 MRSA § 601, sub-§ 2, first ¶, as enacted by PL 1973, c. 438, § 8, is amended to read:

2. Emission standard. ~~No~~ Except as provided in subsections 4 and 5, no person shall emit or cause to be emitted any particulate air contaminants from:

Sec. 3. 38 MRSA § 601, sub-§§ 4 and 5 are enacted to read:

4. **Ambient monitoring system.** Notwithstanding anything contained in subsection 2, paragraphs A, B and C, as long as ambient monitoring data is available to demonstrate, on a case by case evaluation, that ambient air quantity standards will not be violated by emissions from any specific wood waste teepee incinerator, wood waste teepee incinerators may emit particulate air contaminants not to exceed either 0.3 grain per standard cubic foot of dry flue gas during any continuous 2-hour period, corrected to 12% carbon dioxide without the contribution of carbon dioxide from the auxiliary fuel or a number 2 on the Ringelmann Chart, excluding the emission of water vapor, for a period or periods aggregating more than 3 minutes in any hour, excluding the emission of water vapors.

5. **Start-up and burn-down.** There shall be daily periods not to exceed one hour each for the start-up and burn-down of wood waste teepee incinerators during which the standards contained in subsection 4 shall not apply.

Effective July 6, 1978

CHAPTER 603

AN ACT to Permit Self-contained Breath Testing Equipment.

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

29 MRSA § 1312, sub-§ 6, last ¶, as last amended by PL 1975. c. 293, § 4, is repealed and the following enacted in its place:

Only such equipment as is approved by the Department of Human Services shall be used by a law enforcement officer to take a sample specimen of the defendant's breath for submission to the Department of Human Services or a person certified by the Department of Human Services for the purpose of conducting tests of the sample specimen to determine the blood-alcohol level thereof. Approved equipment shall have a stamp of approval affixed by the Department of Human Services. Evidence that the equipment was in a sealed carton bearing the stamp of approval shall be accepted in court as prima facie evidence that the equipment was approved by the Department of Human Services for use by the law enforcement officer to take the sample specimen of the defendant's breath.

As an alternative to the method of breath testing described in paragraph 3, a law enforcement officer, with the consent of the person upon whom the test is to be made, may test the breath of any person arrested for operating or attempting to