

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 1-452

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J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

A. Any potential source of hexavalent chromium air emissions shall demonstrate compliance with the ambient air quality standards;

B. If a source cannot demonstrate to the satisfaction of the commissioner a technique for measuring hexavalent chromium at the emission source, its modeled air quality impact shall be derived from its total chromium emissions and shall not exceed a 24-hour ambient concentration of 25 nanograms per cubic meter; and

C. The modeled impact derived from hexavalent chromium emissions shall not exceed the limits specified in section 584-A, subsection 8, paragraph B, subparagraph (1).

4. Exemptions. Chromium emissions resulting from metal plating operations, the preparation of chrome tanning liquors or from processes, including leather processing, in which chromium is present only in the trivalent oxidation state shall not be subject to these emission requirements.

Effective September 23, 1983.

CHAPTER 360

H.P. 950 - L.D. 1231

AN ACT to Amend the Election Laws.

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

Sec. 1. 21 MRSA §171, sub-§1, as amended by PL 1973, c. 414, §5-A, is further amended to read:

1. List prepared. He shall prepare a printed or typewritten list, alphabetically by surname, of all the voters of the municipality. He shall add the street address of each voter beside his name and mailing address and proper zip code number. In a municipality covered by only one zip code, he may print or type the zip code at the top of each page of the voting list. In a municipality which has voting districts, he shall make a separate list for each district.

Sec. 2. 21 MRSA §447, sub-§2, ¶E, as enacted by PL 1977, c. 425, §1, is repealed and the following enacted in its place:

E. Any aggrieved party may take an appeal, on questions of law, from the decision of the Superior Court by filing a notice of appeal within 3 days of that decision. The record on appeal shall be transmitted to the Law Court within 3 days after notice of appeal is filed. After filing notice of appeal, the parties shall have 4 days in which to file briefs and appendices with the clerk of courts. As soon as the record and briefs have been filed, the court shall consider the case forthwith. The court shall issue its decision within 14 days of the date of the decision of the Superior Court.

Sec. 3. 21 MRSA §494, sub-§2, as repealed and replaced by PL 1977, c. 425, §2, is amended to read:

2. By whom signed. A nomination petition may be signed only by voters of the electoral division which is to make the nomination. Other signatures are void, except that nomination petitions for Presidential Electors may be signed by any Maine voter.

Sec. 4. 21 MRSA §494, sub-§8, as enacted by PL 1977, c. 425, §2, is repealed.

Sec. 5. 21 MRSA §494, sub-§9, as amended by PL 1981, c. 301, §4, is repealed and the following enacted in its place:

9. Filed with the Secretary of State. The petition shall be filed in the following manner:

A. A petition for nomination as a candidate for the office Presidential Elector shall be filed in the office of the Secretary of State by 5 p.m. on July 1st of the election year in which it is to be used.

B. A petition for nomination as a candidate for a federal, state or county office, except for Presidential Elector, shall be filed in the office of the Secretary of State, by 5 p.m. on April 1st of the election year in which it is to be used.

Sec. 6. 21 MRSA §496, sub-§2, ¶¶A to D, as enacted by PL 1977, c. 425, §2, are amended to read:

A. Only a registered voter residing in the electoral district of the candidate concerned may file such a challenge. The challenge shall be in writing and shall set forth the reasons for the challenge. The challenge shall be filed in the office of the Secretary of State by ~~or before~~ 5:00 5 p.m. on the 7th 5th day after the primary election ~~filing date for filing petitions under~~

section 494, subsection 9.

B. Within ~~10~~ 7 days after the final date for filing of challenges, the Secretary of State shall hold a public hearing on any challenge properly filed, after due notice of the hearing to the candidate and to the challenger. The burden shall be upon the challenger to provide evidence to invalidate the petitions or any names upon the petitions.

C. The Secretary of State shall rule on a challenge within ~~10~~ 5 days after the completion of the hearing described in paragraph B.

D. A challenger or a candidate may appeal the decision of the Secretary of State by commencing an action in the Superior Court. This action shall be conducted in accordance with the Maine Rules of Civil Procedure, Rule 80B, except as modified by this section. This action shall be commenced within 5 days of the date of the decision of the Secretary of State and shall be tried, without a jury, within ~~15~~ 10 days of the date of this decision. Upon timely application, anyone shall be permitted to intervene in this action when the applicant claims an interest relating to the subject matter of the petition, unless the applicant's interest is adequately represented by existing parties. The court shall issue its written decision containing its findings of fact and conclusions of law and setting forth the reasons for such decision within ~~30~~ 20 days of the ~~commencement of the trial or within~~ 45 days of the date of the decision of the Secretary of State if there is no trial.

Sec. 7. 21 MRSA §496, sub-§2, ¶E, as enacted by PL 1977, c. 425, §2, is repealed and the following enacted in its place:

E. Any aggrieved party may take an appeal, on questions of law, from the decision of the Superior Court by filing a notice of appeal within 3 days of that decision. The record on appeal shall be transmitted to the Law Court within 3 days after notice of appeal is filed. After filing notice of appeal, the parties shall have 4 days in which to file briefs and appendices with the clerk of courts. As soon as the record and briefs have been filed, the court shall consider the case forthwith. The court shall issue its decision within 14 days of the date of the decision of the Superior Court.

Sec. 8. 21 MRSA §1181, sub-§1 is amended to read:

1. Vote for presidential candidate construed. A vote for the candidates of any political party for President and Vice-President is a vote for each nominee of the same political party for the Presidential Elector Electors nominated by the candidates' political party or by petition.

Sec. 9. 21 MRSA §1184, sub-§1-A, as enacted by PL 1969, c. 131, §2, is amended to read:

1-A. Presidential Electors. The Presidential Electors at large shall cast their ballots for President presidential and Vice-President vice-presidential of the political party which candidates who received the largest number of votes in the State. The Presidential Electors of each congressional district shall cast their ballots for President Presidential and Vice-President vice-presidential of the political party which candidates who received the largest number of votes in each congressional district.

Sec. 10. 21 MRSA §1397, sub-§4, ¶A, as amended by PL 1979, c. 434, §2, is further amended to read:

A. Reports shall be filed not later than 5 p.m. on the 7th day before the date on which an election is held and shall be complete as of the 11th day before such date. The first reports filed in a year in which an election is held shall cover the 6 months immediately preceding the completion date. Other reports shall be complete for the filing period. A filing period is that period of time from one completion date to the next completion date except as provided heretofore for first reports.

Sec. 11. 21 MRSA §1397, sub-§4, ¶C, as repealed and replaced by PL 1979, c. 434, §3, is amended to read:

C. Reports shall be filed not later than 5 p.m. on the 42nd day after the date on which an election is held and shall be complete for the filing period as of the 35th day after that date.

Sec. 12. 21 MRSA §1398, as amended by PL 1981, c. 351, is further amended by adding after the first paragraph 2 new paragraphs to read:

A notice of lateness shall be sent to candidates and treasurers registered with the commission whose reports are not received within 2 days of the filing deadline. That notice shall be sent on the 3rd day following the deadline.

A late report filed within 10 days of any deadline, except a report required to be filed 7 days before an election, shall not be subject to penalty. Reports filed after this grace period are subject to penalties from the original filing deadline.

Sec. 13. 21 MRSA §1475-A is enacted to read:

§1475-A. Presidential and vice-presidential candidates chosen by petition

1. Candidate for president; death; withdrawal; disqualification. If a candidate for President who has been nominated by petition, as specified in section 494, subsection 1, paragraph A, dies, withdraws or becomes disqualified, the nomination of the presidential, vice-presidential and Presidential Elector candidates is terminated.

2. Candidate for Vice-President; death; withdrawal; disqualification. If a candidate for Vice-President who has been nominated by petition as specified in section 494, subsection 1, paragraph A, dies, withdraws or becomes disqualified, the vacancy may be filled by a new vice-presidential candidate, if the following conditions are met:

A. Written resignation is filed with the Secretary of State by the previous vice-presidential candidate, if the mental and physical condition of the candidate allows;

B. Written consent is filed with the Secretary of State by the new vice-presidential candidate;

C. Written acceptance of the new vice-presidential candidate is filed with the Secretary of State by the presidential candidate; and

D. Written acceptance of the new vice-presidential candidate is filed with the Secretary of State by each of the Presidential Electors.

Effective September 23, 1983.

CHAPTER 361

H.P. 1205 - L.D. 1600

AN ACT Relating to Registration and
Inspection of Motor Trucks used for Fishing.