

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
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ONE HUNDRED AND NINTH LEGISLATURE
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Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 14 MRSA § 5541 is repealed and the following enacted in its place:

§ 5541. Bail commissioners appointed by the court

The District Court Judge resident in each district, with the concurrence of the Superior Court regional presiding justice for the judicial region including that district, may appoint one or more residents of the district as bail commissioners. Bail commissioners appointed by a District Court Judge or Superior Court Justice shall continue in office at the pleasure of that judge and that regional presiding justice. Bail commissioners shall have the powers of justices of the peace to administer oaths or affirmations in carrying out their duties.

Sec. 2. 15 MRSA § 942, sub-§ 3, first ¶, as enacted by PL 1973, c. 760, is amended to read:

Any person aggrieved by the refusal of said judge or bail commissioner to authorize his release on personal recognizance or on the execution of an unsecured appearance bond may petition the Superior Court for a review of such decision. The judge or bail commissioner making such decision shall advise such person of his right to obtain ~~an immediate~~ a review of such decision in the Superior Court. If such person chooses to have a review, he shall be furnished a petition for review in a form prescribed by the Chief Judge of the District Court and upon execution of said petition and without the issuance of any writ or other process, the sheriff of the county in which the decision was made shall provide for the transportation of the petitioner ~~forthwith~~, together with the petition for review and all papers relevant thereto, or copies thereof, to the Superior Court ~~for the county if a justice is then sitting, or to the nearest county in which a justice of the Superior Court is then sitting. In the event that no justice of the Superior Court is then sitting, the petitioner shall be retained in custody until the next business day and upon the morning of such day, without the issuance of any writ or other process, the petitioner's custodian shall provide for his transportation to the Superior Court, as hereinbefore required.~~ **In the event that no Justice of the Superior Court will be available within 24 hours excluding weekends and holidays, then arrangements shall be made for review of bail in the nearest county in which a Justice of the Superior Court is then sitting. If there is no Justice of the Superior Court available, the petitioner shall be retained in custody until a review of the bail can be held. The petitioner's custodian shall provide transportation to the Superior Court as hereinbefore required without the issuance of any writ or other process.**

Effective September 14, 1979

CHAPTER 258

H. P. 237 — L. D. 283

AN ACT to Provide for Temporary Driver Education Teacher Certification.

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

Whereas, school administrative units must plan driver education courses for the 1979-80 school year prior to September 1979; and

Whereas, some administrative units may be able to offer driver education courses solely because of the provisions of this Act; and

Whereas, the encouragement of a greater availability of driver education courses is in the best interests of Maine students; 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 enacted by the People of the State of Maine, as follows:

20 MRSA § 2455 is enacted to read:

§ 2455. Temporary driver education teacher certification

1. **Temporary certification.** When an instructor duly certified by the State Board of Education is not available, the Commissioner of Educational and Cultural Services may grant temporary driver education teacher certification to a person licensed by the Secretary of State to teach driver education.

2. **Contract authority.** Any administrative unit, private school or academy may contract for the provision of driver education with any person certified under this section or any commercial driver education school, provided that the person offering the instruction for the school shall be certified under this section.

3. **Certification requests; limitation.** All requests for temporary certification shall be initiated by the administrative unit. These certificates shall be for not more than one year. All programs conducted under this certification shall be subject to the rules and regulations established under this chapter.

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

Effective May 21, 1979

CHAPTER 259

H. P. 701 — L. D. 861

AN ACT to Amend the Alternative Method of Support Enforcement.

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

Sec. 1. 19 MRSA § 498, sub-§ 4, ¶C, sub-¶¶ (6) and (7), as enacted by