

# 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

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

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Kennebec Journal  
Augusta, Maine  
1979

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Sec. 50. 36 MRSA § 5340, sub-§ 5, as amended by PL 1971, c. 61, § 13, is repealed.

Effective September 14, 1979

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## CHAPTER 379

H. P. 1130 — L. D. 1399

### AN ACT to Amend the Split Sentencing Provisions of the Criminal Code.

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

Sec. 1. 17-A MRSA § 1203, sub-§ 1, first sentence, as last repealed and replaced by PL 1977, c. 671, § 27, is amended to read:

~~Subject to the limitation in subsection 2, the~~ The court may sentence a person to an initial term of imprisonment in a designated institution to be followed by a suspended term of imprisonment with probation; provided that the aggregate of the initial term of imprisonment and the suspended term of imprisonment shall not exceed the maximum term authorized for the crime.

Sec. 2. 17-A MRSA § 1203, sub-§ 2, as repealed and replaced by PL 1977, c. 671, § 27, is repealed.

Effective September 14, 1979

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## CHAPTER 380

H. P. 1185 — L. D. 1458

### AN ACT to Allow Approved Conservation Plans to Satisfy the Requirements of the Water Pollution Abatement Licensing Program.

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

Sec. 1. 38 MRSA § 361-A, sub-§ 1-B is enacted to read:

1-B. Agricultural activities. "Agricultural activities" means the growing of vegetables, fruits, seeds, nursery crops, poultry, livestock, field crops, cultivated or pasture hay and farm woodlot products, including Christmas trees.

Sec. 2. 38 MRSA § 413, sub-§ 2, as amended by PL 1973, c. 788, § 208 is further

amended by adding at the end the following new paragraphs:

No person shall be deemed in violation of this section for the discharge of rock, sand, dirt or other pollutants resulting from erosion related to agricultural activities, subject to the following conditions.

- A. The appropriate soil and water conservation district has recommended an erosion and sedimentation control plan or conservation plan for the land where this erosion originates.
- B. The board has certified that the plan meets the objectives of this chapter.
- C. The department determines that the agricultural activities are in compliance with the applicable portion of the plan, or the soil and water district has certified that funds from existing federal and state programs are not available to implement the applicable portion of the plan.

Effective September 14, 1979

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## CHAPTER 381

H. P. 1207 — L. D. 1540

### AN ACT to Enable Delegation of the Prevention of Significant Deterioration of Air Quality Program.

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

Sec. 1. 38 MRSA § 582, sub-5-B is enacted to read:

5-B. Baseline concentration. "Baseline concentration" means the time from which additional sources of air pollution will be counted against the available increment. It shall mean the actual ambient air quality in an area as of August 7, 1977 except that:

- A. Contributions for any major emitting source subject to review for the prevention of significant deterioration between January 6, 1975 and August 7, 1977 and operating on August 7, 1977 shall be subtracted from actual air quality on that date to establish baseline concentration, and shall be counted against the increment; and
- B. Contributions for any major emitting source not subject to review for the prevention of significant deterioration and receiving approval to construct before January 6, 1975, but not in operation by August 7, 1977 shall be added to actual August 7, 1977 ambient air quality to establish the baseline concentration, and not counted against the increment.