

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
**FIRST REGULAR SESSION**

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
SEPTEMBER 30, 1989

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

---

J.S. McCarthy Company  
Augusta, Maine  
1989

---

**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**1989**

---

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

**32 MRSA §5012**, as amended by PL 1987, c. 395, Pt. A, §184, is repealed and the following enacted in its place:

**§5012. General requirements for licensure**

The minimum qualifications and requirements for licensure as a licensed professional forester shall be as follows:

1. Education. Graduation from a curriculum in forestry of 4 years or more in a school or college approved by the board or graduation from a postgraduate curriculum in forestry leading to a degree higher than a bachelor's degree in a school or college approved by the board. Applicants who have not graduated from such a curriculum may substitute 2 years of experience in forestry work of a character satisfactory to the board, including the internship specified in subsection 2, for each year of the undergraduate requirement of this section;

2. Internship. Beginning January 1, 1990, completion of a 2-year period as an intern under the guidance of a licensed forester. The internship shall occur after completion of at least 3 years of the approved curriculum as specified in subsection 1 and may be substituted for one year of the educational requirement. An internship shall not be required for applicants who have graduated from an approved 4-year curriculum and have completed at least 2 years of experience in forestry work of a character satisfactory to the board. Interns shall register with the board before beginning their internship periods. The board shall specify by rule the guidelines for this internship period; and

3. Examination. Beginning January 1, 1991, successful completion, at any time, of a written examination, the content of which shall be determined by the board. Examinations shall be given at least twice each year. The board shall set a fee for the examination sufficient only to cover costs related to it. In some circumstances, as determined by the board, an oral examination may be substituted for the written examination. Persons who are licensed on January 1, 1991, shall not be required to complete an examination as a condition for continuing licensure.

See title page for effective date.

---

**CHAPTER 143**

**S.P. 304 - L.D. 802**

**An Act Regulating Activities Adjacent to Great Ponds**

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

**38 MRSA §438-A, sub-§4**, as enacted by PL 1987, c. 815, §§5 and 11, is amended to read:

**4. Failure to adopt ordinances.** If a municipality fails to adopt ordinances as required under this article or if the board determines that an ordinance which a municipality has adopted does not satisfy the requirements and purposes under this article, the board, acting in accordance with Title 5, chapter 375, subchapter II, shall adopt suitable ordinances, or suitable provisions of ordinances, on behalf of the municipality. Notwithstanding subsections 2 and 3, if the board determines that special water quality considerations on a great pond warrant more restrictive standards than those contained in the minimum guidelines, the board may adopt the additional standards for all municipalities outside the jurisdiction of the Maine Land Use Regulation Commission which abut those waters. Following adoption by the board, these ordinances or provisions shall be effective and binding within the municipality and shall be administered and enforced by that municipality.

See title page for effective date.

---

**CHAPTER 144**

**H.P. 665 - L.D. 907**

**An Act to Clarify the Establishment of Air Quality Standards and Emission Standards**

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

**Sec. 1. 38 MRSA §584**, as amended by PL 1987, c. 878, §1, is further amended to read:

**§584. Establishment of ambient air quality standards**

The board shall establish and may amend may recommend to the Legislature reasonable standards, in this chapter called "ambient air quality standards," within a reasonable air quality region regulating and limiting the amount and types of air contaminants which may exist in the ambient air of ~~such~~ the region. ~~Such~~ The standards shall be designed to preserve or enhance the quality of ambient air within ~~such~~ the region and to prevent air pollution. The board shall determine by rule the extent to which those standards apply within those areas to which the public does not have general access.

Prior to ~~the establishment or amendment of~~ recommending ambient air quality standards, the board shall offer an opportunity for a public hearing and shall give public notice of its intent to ~~establish~~ recommend standards for the region in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375.

The board shall solicit and consider all available information concerning the existing quality of the ambient air within the region; the recreational, industrial and residential uses of land within the region; the effects of existing air contaminants and air pollution upon the uses; the availability and effectiveness of air pollution control apparatus designed to control and reduce the existing air contaminants and air

pollution; the expense of purchasing and installing the same, and such other evidence as in the board's judgment will enable it to ~~determine and establish the~~ recommend to the Legislature standards of air quality necessary to prevent air pollution within the region.

~~The board shall by order establish or may amend reasonable ambient air quality standards for the region, regulating and limiting the amount and type of air contaminants which may exist in the ambient air of that region, which standards shall be designed to achieve the purposes set forth in this section. The order shall state the date upon which the standards, or any of them, become effective, and such regions and standards shall thereafter be in effect until 90 days after the date of adjournment of the next regular session of the Legislature unless the next regular session shall adopt by legislative enactment the air quality regions and standards.~~

~~In establishing such effective date, the board shall consider the degree of air pollution existing within the region, the length of time necessary to inform persons affected by the establishment of such standards of their existence, the time needed by the board to implement effective controls, and the time needed by persons affected to design and install air pollution control apparatus to comply with such standards.~~

**Sec. 2. 38 MRSA §585, 3rd ¶,** as amended by PL 1983, c. 566, §38, is further amended to read:

The board shall by order establish or may amend emission standards limiting and regulating the amount and type of air contaminants which may be emitted to the ambient air of a region so as to achieve the goals set forth in this section. The order shall state the date upon which the standards, or any of them, become effective. In establishing the date, the board shall consider the same factors required by it to be considered in establishing the effective date of ambient air quality standards the degree of air pollution existing within the region, the length of time necessary to inform persons affected by the establishment of these standards that these standards exist, the time needed by the board to implement effective controls and the time needed by persons affected to design and install air pollution control apparatus to comply with the new standards.

**Sec. 3. 38 MRSA §585, last ¶,** as amended by PL 1987, c. 878, §2, is repealed.

**Sec. 4. 38 MRSA §585-A,** as amended by PL 1987, c. 878, §3, is further amended to read:

**§585-A. Establishment of standards**

~~The board may, after the establishment of ambient air quality standards and emission standards, establish and amend reasonable standards and regulations to implement ambient air quality standards and emission standards established by the board. Such standards and~~ These regulations shall be designed to achieve and maintain ambient air quality standards and emission standards within any region and the prevention of prevent air pollution.

Prior to the establishment or amendment of the ~~standards and~~ rules, the board shall offer an opportunity for a public hearing thereon in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375. The board shall solicit and consider all available information concerning applicable ambient air quality and emission standards; the availability, effectiveness and cost of any air pollution control apparatus designed to prevent or control air pollution or violations of ambient air quality or emission standards which would be required by any proposed standards or rules; and such other evidence as in the board's judgment will enable it to determine and establish standards and rules adequate to maintain applicable ambient air quality and emission standards.

The board shall by order establish or amend ~~reasonable standards and~~ rules which shall be designed to achieve the purposes set forth in this section. The order shall state the date upon which the standards and rules, or any of them, become effective, and the standards shall thereafter be in effect until 90 days after the date of adjournment of the next regular session of the Legislature unless the next regular session shall adopt by legislative enactment the standards.

**Sec. 5. 38 MRSA §585-B, sub-§§1 and 3,** as enacted by PL 1983, c. 535, §2, are amended to read:

**1. Standards.** The board may establish and amend ~~reasonable~~ emission standards for hazardous air pollutants, and regulations to implement these standards. If emission standards are not feasible, the board may adopt design, equipment, work practice or operational standards for activities emitting hazardous pollutants.

**3. Relation to ambient standards.** The board may control hazardous air pollutants ~~without establishing ambient air standards for those pollutants if no ambient air quality standards have been established for those pollutants.~~

**Sec. 6. 38 MRSA §585-B, sub-§4,** as enacted by PL 1983, c. 535, §2, is repealed.

See title page for effective date.

## CHAPTER 145

S.P. 403 - L.D. 1047

### An Act to Allow Automatic Teller Machines on the Maine Turnpike

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

**23 MRSA §1967, sub-§1,** as amended by PL 1983, c. 707, §1, is further amended to read:

**1. Property of the authority.** All property of the authority and all property held in the name of the State pursuant to the provisions of this chapter shall be exempt from levy and sale by virtue of any execution, and no execu-