

MAINE STATE LEGISLATURE

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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.

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Augusta, Maine
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PUBLIC LAWS
OF THE
STATE OF MAINE

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1989

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-

tion or other judicial process may be a lien upon its property held pursuant to the provisions of this chapter; provided that the authority shall not lease, sell or otherwise convey, or allow to be used, any of its real or personal property or easements therein, franchises, buildings or structures, with access to any part of the turnpike or its approaches, for commercial purposes, with the exception of such kiosks at rest areas, gasoline filling stations, service and repair stations, automatic teller machines and restaurants as it deems necessary to service the needs of the traveling public while using the turnpike, except that the authority may permit the erection or installation of electric power, telegraph, telephone, water, sewer or pipeline facilities; and provided also that the leasehold interests in such kiosks, gasoline filling stations, service and repair stations, automatic teller machines and restaurants shall be subject to taxation as provided in section 1971.

See title page for effective date.

CHAPTER 146

S.P. 422 - L.D. 1133

An Act to Require a County Jailer to Return List of Prisoners

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

30-A MRSA §1504, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

§1504. Jailer to return list of prisoners at each criminal session of court

~~At the opening of every criminal term of the Superior Court for a county, every~~ Every jailer shall return a list of prisoners in custody to the Superior Court for a county on the first business day of every month, and afterwards a list of all committed during the session, certifying the cause for which and the person by whom committed, and shall have the calendar of prisoners in court for its inspection. The jailer shall also provide lists of prisoners in custody to the Superior Court or to a District Court upon receipt of a request for an additional or updated list. If the jailer fails to do so, the court may impose a reasonable fine.

See title page for effective date.

CHAPTER 147

S.P. 426 - L.D. 1137

An Act to Amend Certain Provisions of the Maine Bail Code

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

Sec. 1. 15 MRSA §1023, sub-§7, as enacted by PL 1987, c. 758, §20, is amended to read:

7. Mandatory training. As a condition of appointment and continued service, a bail commissioner must successfully complete a bail training program, as prescribed and scheduled by the Chief Judge of the District Court, not later than one year following appointment. The Maine Criminal Justice Academy shall provide assistance to the Chief Judge of the District Court in establishing an appropriate training program for bail commissioners. The program shall include instruction on the provisions of this chapter, the relevant constitutional provisions on bail and any other matters pertinent to bail that the Chief Judge of the District Court considers appropriate and necessary. The Chief Judge of the District Court may establish a continuing education program for bail commissioners.

Sec. 2. 15 MRSA §1026, sub-§6 is enacted to read:

6. Initial appearance in court. Nothing contained in this chapter may be construed as limiting the authority of a judge or justice to consider the issue of preconviction bail at a defendant's initial appearance in court.

Sec. 3. 15 MRSA §1029, sub-§2, as enacted by PL 1987, c. 758, §20, is amended to read:

2. Standard of review. With respect to the finding of probable cause to believe that the defendant committed a formerly capital offense, the finding of the lower court shall be upheld, unless it is clearly erroneous provided there is an adequate record for purposes of review. With respect to all other issues or with respect to the issue of probable cause when the record is inadequate for review, the review shall be de novo. The parties shall cooperate to expeditiously assemble a record for review.

Sec. 4. 15 MRSA §1071, sub-§1, ¶B, as enacted by PL 1987, c. 758, §20, is amended to read:

B. The certificate shall remain on file with the original papers in the case and a certified copy shall be transmitted by the ~~magistrate~~ judicial officer taking the bail to the clerk of court before which the defendant is to appear.

Sec. 5. 15 MRSA §1072, sub-§1, as enacted by PL 1987, c. 758, §20, is amended to read:

1. Preconviction. Each surety for a defendant admitted to preconviction bail is responsible for the appearance of the defendant at all times until a verdict or finding or plea of guilty, unless the surety has sooner terminated the agreement to act as surety and has been relieved of the responsibility in accordance with section 1073.

In no case may a preconviction surety be responsible for the appearance of a defendant after conviction, unless the surety