

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
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the number of people who participate in those programs or received those materials.

The Commissioner of Inland Fisheries and Wildlife shall report to the Joint Standing Committee on Inland Fisheries and Wildlife on these assessment efforts by February 1, 1998.

Sec. 6. Report. The Commissioner of Inland Fisheries and Wildlife shall report to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters by January 1, 1999 on the number of enforcement actions taken by law enforcement officers for violations of Title 12, section 7801, subsection 11-A and the result of those enforcement actions and the number of private nuisance actions taken for those violations under Title 17, section 2802 and the result of those actions.

See title page for effective date.

CHAPTER 541

S.P. 129 - L.D. 408

An Act to Include Operation and Maintenance in the Life-cycle Costs Analysis Required for Public Improvements

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 5 MRSA §1763, as repealed by PL 1977, c. 563, §1 and reenacted by §2, is amended to read:

§1763. No facility leased without life-cycle costs

No public improvement, as defined in this chapter, or public school facility, with an area in excess of 10,000 square feet within a given building boundary, ~~shall may~~ be leased until a life-cycle costs analysis has been performed and a lease ~~shall may~~ only be approved ~~where~~ when the life-cycle costs analysis compare favorably to available like facilities.

In the event of an emergency such as a building destroyed by fire, this requirement may be waived by the Bureau of ~~Public Improvements~~ General Services.

Sec. 2. 5 MRSA §1764, as amended by PL 1989, c. 501, Pt. DD, §2, is further amended to read:

§1764. Life-cycle costs

1. Bureau of General Services to adopt rules and procedures. The Bureau of ~~Public Improvements~~ General Services shall ~~promulgate~~ adopt rules and ~~procedures~~, including energy conservation guidelines ~~which that~~ conform as a minimum to the energy efficiency building performance standards ~~promulgated~~ adopted by the Department of Economic and Community Development for conducting an energy-related life-cycle costs analysis of alternative architectural or engineering designs, or both, and shall evaluate the efficiency of energy utilization for designs in the construction and lease of public improvements and public school facilities. ~~Such Any~~ rules ~~and procedures shall~~ adopted take effect 90 days after the enactment of this subchapter.

2. Life-cycle costs. ~~Such Any~~ life-cycle costs ~~shall~~ must include:

A. The reasonably expected energy costs over the life of the building, as determined by the designer, that are required to maintain illumination, power, temperature, humidity and ventilation and all other energy-consuming equipment in a facility; ~~and~~

B. The reasonable energy-related costs of probable maintenance, including labor and materials and operation of the building-, replacement costs over the expected life of the facility and any other ownership cost issues identified by the Bureau of General Services; and

C. A comparison of energy-related and economic-related design alternatives. The Bureau of General Services may direct the designer to select, include and develop life-cycle costs for any viable alternatives that should be considered.

3. Determination of life-cycle costs. To determine the life-cycle costs, the Bureau of ~~Public Improvements~~ General Services shall ~~promulgate~~ adopt rules that ~~shall~~ include but are not limited to:

A. The orientation and integration of the facility with respect to its physical site;

B. The amount and type of glass employed in the facility and the directions of exposure;

C. The effect of insulation incorporated into the facility design and the effect on solar utilization to the properties of external surfaces;

D. The variable occupancy and operating conditions of the facility and subportions of the facility; and

E. Energy consumption analysis of the major equipment of the facility's heating, ventilating and cooling system, lighting system, hot water system and all other major energy-consuming equipment and systems as appropriate. This analysis ~~shall~~ must include:

- (1) The comparison of alternative systems;
- (2) A projection of the annual energy consumption of major energy-consuming equipment and systems for a range of operations of the facility over the life of the facility; and
- (3) The evaluation of the energy consumption of component equipment in each system, considering operation of ~~such~~ the components at other than full or rated outputs.

4. Annual updating of rules. ~~Such rules shall~~ Rules must be based on the best currently available methods of analysis and provisions ~~shall~~ must be made for an annual updating of rules and standards as required.

See title page for effective date.

CHAPTER 542

S.P. 188 - L.D. 606

An Act to Amend the Off-track Betting Laws as They Pertain to Reduced Payments for Small Market Licensees

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

Sec. 1. 8 MRSA §275-O, sub-§1, as enacted by PL 1995, c. 403, §1, is amended to read:

1. Eligible licensees. This section grants reduced payments to licensees of off-track betting ~~licensees~~ facilities that were licensed and open for business before ~~January 1, 1995~~ April 1, 1997 and that have a market area, as described in section 275-D, subsection 4, with a population of less than 50,000.

See title page for effective date.

CHAPTER 543

S.P. 509 - L.D. 1571

An Act to Amend the Maine Bail Code

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

Sec. 1. 15 MRSA §1002, last ¶, as enacted by PL 1987, c. 870, §1, is amended to read:

It is the purpose and intent of this chapter that bail be set for a defendant in order to reasonably ensure the appearance of the defendant as required, to otherwise reasonably ensure the integrity of the judicial process and, when applicable, to reasonably ensure the safety of others in the community. ~~Finally, it is also the purpose and intent of this chapter that the judicial officer consider, relative to crimes bailable as of right preconviction, the least restrictive release alternative which that will reasonably ensure the attendance of the defendant as required, or otherwise reasonably ensure the integrity of the judicial process. Finally, it is also the intent and purpose of this chapter that a defendant, while at liberty on bail, refrain from committing new crimes.~~

Sec. 2. 15 MRSA §1002, as amended by PL 1987, c. 870, §1, is further amended by adding at the end 2 new paragraphs to read:

The Legislature finds that personal recognizance bail or an unsecured appearance bond should not be available for offenders who have a pending charge.

The Legislature further believes that, as a matter of public policy, personal recognizance bail or an unsecured appearance bond should not be available to repeat offenders or to those who commit serious crimes.

Sec. 3. 15 MRSA §1003, sub-§1, ¶A, as amended by PL 1987, c. 870, §2, is further amended to read:

A. In the preconviction context, "bail" means the obtaining of the release of the defendant upon an undertaking that the defendant shall appear at the time and place required ~~and may include conditions, that the defendant shall conform to any condition imposed,~~ in accordance with section 1026, designed to ensure the integrity of the judicial process and that the defendant shall refrain from any new criminal conduct. For crimes bailable only as a matter of discretion preconviction, bail ~~may also include conditions~~ means the obtaining of the release of the defendant upon an undertaking that the defendant shall conform to each condition that is designed to ensure the safety of others in the community.

Sec. 4. 15 MRSA §1003, sub-§1, ¶B, as enacted by PL 1987, c. 758, §20, is amended to read:

B. In the post-conviction context, "bail" means the obtaining of the release of the defendant