

# MAINE STATE LEGISLATURE

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LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

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

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PORTLAND LITHOGRAPH COMPANY  
PORTLAND, MAINE  
1977

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PUBLIC LAWS  
OF THE  
**STATE OF MAINE**  
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to, labor, professional service, public utility and transportation service, **ski lift service**, restaurant, hotel, motel, tourist cabin, rooming house and like accommodations, the supplying of equipment, tools, vehicles or trailers for temporary use, telephone, telegraph or computer service, gas, electricity, water or steam, admission to entertainment, exhibitions, sporting events or other events or **services** for which a charge is made.

**Sec. 2.** 17-A MRSA § 357, sub-§ 4, as enacted by PL 1975, c. 499, § 1, is amended to read:

4. Where compensation for service is ordinarily paid immediately upon the rendering of such service, as in the case of hotels, restaurants, **ski lifts or sporting events** and garages, **nonpayment prior to use or enjoyment**, refusal to pay or absconding without payment or offer to pay gives rise to a presumption that the service was obtained by deception.

Effective October 24, 1977

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## CHAPTER 184

### AN ACT to Resolve Certain Conflicts between the Statutes and the Maine Rules of Evidence.

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

Whereas, certain provisions of the statutes are in conflict with provisions of the Maine Rules of Evidence, which by action of the Legislature supersede conflicting statutes; and

Whereas, a recent court ruling on an apparent conflict between a statute and a rule of evidence could have an immediate and severe impact on the budget and management of the Department of the Secretary of State; 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:*

**Sec. 1.** 16 MRSA §§ 57 and 58, as enacted by PL 1965, c. 117, are repealed.

**Sec. 2.** 29 MRSA § 58, as amended by PL 1971, c. 360, § 6, is further amended to read:

§ 58. Certificate as evidence

The Notwithstanding any other provision of law or rule of evidence, the certificate of the Secretary of State or his deputy, under seal of the State, shall be received in any court in this State as prima facie evidence of the issuance, suspension or revocation of any operator's license or any certificate of registration of any vehicle.

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

Effective May 20, 1977

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## CHAPTER 185

### AN ACT to Grant Variances to Single Family Home Owners under the Water Pollution Abatement Program.

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

38 MRSA § 451-A, sub-§ 7, is enacted to read:

7. Power to grant variances to owners of a single family dwelling. The Board of Environmental Protection may grant a variance for a time certain from any statutory water pollution abatement time schedule upon receipt of an application from the owner of a single family dwelling which:

A. Has been used as his dwelling place year round prior to October 1, 1977;

B. Is maintaining a discharge subject to the requirements of sections 413, 414 and 414-A and if the following conditions exist and requirements are met:

(1) The discharge, in the opinion of the Board of Environmental Protection, is not creating a significant danger to the public health, safety and welfare;

(2) The discharge will not differ in kind or be greater in quantity from that which existed prior to October 1, 1977;

(3) The owner of the single family dwelling has a valid waste discharge license;

(4) The owner of the single family dwelling has obtained a certificate of eligibility from a local, county, regional, state or federal agency stating that the applicant is eligible for an existing program of financial assistance where eligibility is based on income and assets; and

(5) The applicant agrees to seek funds from public agencies or private lending institutions to install an approved wastewater disposal system; and