

# 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**  
AS PASSED AT THE  
**FIRST REGULAR SESSION**  
of the  
ONE HUNDRED AND EIGHTH LEGISLATURE  
1977

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1978-79	\$10,000
1979-80	10,000
1980-81	10,000
1981-82	10,000
1982-83	10,000
Total loan balance	<u>\$50,000</u>

**Sec. 12. Balance lapse; Gear Damage Fund.** Any unencumbered balance in the Gear Damage Fund on June 30, 1977 shall lapse to the General Fund.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect July 1, 1977.

Effective July 1, 1977

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## CHAPTER 381

### AN ACT Relating to the Law Governing the Manufacturers, Distributors and Dealers of Beverage Containers.

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

Whereas, the law governing the manufacturers, distributors and dealers becomes effective on January 1, 1978; and

Whereas, the Commissioner of Agriculture must adopt rules and regulations relating to the type, kind and size of the beverage containers; and

Whereas, manufacturers, distributors and dealers of beverage containers must manufacture beverage containers for use in Maine well in advance of January 1, 1978; 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.** 32 MRSA § 1861, sub-§ 2, as enacted by PL 1975, c. 739, § 16, is amended by adding at the end the following new paragraph:

This chapter will be administered by the Department of Agriculture with the authority to interpret the chapter and to issue the necessary rules and regulations in order to carry it into effect.

**Sec. 2.** 32 MRSA § 1870 is enacted to read:

§ 1870. Rules and regulations

The commissioner shall, in accordance with the Administrative Code and after a public hearing, adopt, amend and repeal such reasonable rules and regulations as it deems necessary to carry out and interpret the provisions, purposes and intent of this chapter.

Sec. 3. **Appropriation.** There is appropriated from the General Fund to the Department of Agriculture the sum of \$31,000 to carry out the purposes of this Act. The breakdown shall be as follows:

	1977-78	1978-79
AGRICULTURE, DEPARTMENT OF		
Personal Services	(1) \$ 8,840	(1) \$ 9,315
All Other	8,160	4,685
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TOTAL	\$17,000	\$14,000

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

Effective June 27, 1977

## CHAPTER 382

### AN ACT to Clarify Physician Certification of Patient Deaths in Maine Nursing Homes.

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

22 MRSA § 2842, sub-§ 2 is amended by adding at the end the following sentences:

If the patient was a resident of a nursing home licensed under section 1817 at the time of death and if the physician in charge of the patient's care had not examined the patient within 48 hours prior to death, the physician in charge or another physician designated by the physician in charge shall examine the body prior to completing the certification of death process. Any physician who fails to complete the medical certification of the cause of death fully, and in a timely manner, or who fails to examine the body of a nursing home resident prior to certifying cause of death as required by this section shall be reported to the Board of Registration in Medicine or the Board of Osteopathic Examination and Registration, whichever is appropriate, by the State Registrar of Vital Statistics of the Department of Human Services.

Effective October 24, 1977