

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE
AT THE

SECOND REGULAR SESSION

January 4, 1978 to April 6, 1978

FIRST SPECIAL SESSION

(No laws enacted)

September 6, 1978 to September 15, 1978

SECOND SPECIAL SESSION

October 18, 1978

THIRD SPECIAL SESSION

December 6, 1978

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

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1979

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND EIGHTH LEGISLATURE
January 4, 1978 to April 6, 1978

Sec. 3. 38 MRSA § 601, sub-§§ 4 and 5 are enacted to read:

4. **Ambient monitoring system.** Notwithstanding anything contained in subsection 2, paragraphs A, B and C, as long as ambient monitoring data is available to demonstrate, on a case by case evaluation, that ambient air quantity standards will not be violated by emissions from any specific wood waste teepee incinerator, wood waste teepee incinerators may emit particulate air contaminants not to exceed either 0.3 grain per standard cubic foot of dry flue gas during any continuous 2-hour period, corrected to 12% carbon dioxide without the contribution of carbon dioxide from the auxiliary fuel or a number 2 on the Ringelmann Chart, excluding the emission of water vapor, for a period or periods aggregating more than 3 minutes in any hour, excluding the emission of water vapors.

5. **Start-up and burn-down.** There shall be daily periods not to exceed one hour each for the start-up and burn-down of wood waste teepee incinerators during which the standards contained in subsection 4 shall not apply.

Effective July 6, 1978

CHAPTER 603

AN ACT to Permit Self-contained Breath Testing Equipment.

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

29 MRSA § 1312, sub-§ 6, last ¶, as last amended by PL 1975. c. 293, § 4, is repealed and the following enacted in its place:

Only such equipment as is approved by the Department of Human Services shall be used by a law enforcement officer to take a sample specimen of the defendant's breath for submission to the Department of Human Services or a person certified by the Department of Human Services for the purpose of conducting tests of the sample specimen to determine the blood-alcohol level thereof. Approved equipment shall have a stamp of approval affixed by the Department of Human Services. Evidence that the equipment was in a sealed carton bearing the stamp of approval shall be accepted in court as prima facie evidence that the equipment was approved by the Department of Human Services for use by the law enforcement officer to take the sample specimen of the defendant's breath.

As an alternative to the method of breath testing described in paragraph 3, a law enforcement officer, with the consent of the person upon whom the test is to be made, may test the breath of any person arrested for operating or attempting to

operate a motor vehicle while under the influence of intoxicating liquor, by use of a self-contained, breath-alcohol testing apparatus to determine the blood-alcohol level, provided the testing apparatus is reasonably available.

Approved self-contained, breath-alcohol testing apparatus shall have a stamp of approval affixed by the Department of Human Services after periodic testing. That stamp of approval shall be valid for a limited period of no more than 1 year. Evidence that the equipment was bearing the stamp of approval shall be accepted in court as prima facie evidence that the equipment was approved by the Department of Human Services for use by the law enforcement officer to collect and analyze a sample specimen of the defendant's breath.

It is the intent of the Legislature that savings realized through the use of self-contained breath-alcohol testing equipment shall be used for programs in the area of highway safety, with priority to be given to programs involving alcohol education and rehabilitation. It is also the intent of the Legislature that local law enforcement departments may be equipped, according to local needs, with either type of breath-testing equipment, as described in paragraphs 3 and 4, as provided by the Department of Transportation and approved by the Department of Human Services.

Effective July 6, 1978

CHAPTER 604

AN ACT to Reorganize Certain Boards and Commissions and to Affiliate Certain Boards and Commissions with Departments of Maine State Government.

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

Sec. 1. 4 MRSA §§ 801-A and 801-B are enacted to read:

§ 801-A. Reports; limitations

On or before August 1st of each year, the board shall submit to the Chief Justice of the Supreme Judicial Court, for the preceding fiscal year ending June 30th, its annual report of its operations and financial position, together with such comments and recommendations as the board deems essential. The Chief Justice shall act as liaison between the board and the Governor.

§ 801-B. Budget

The board shall submit to the Chief Justice of the Supreme Judicial Court its