

# 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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K. J. Printing  
Augusta, Maine  
1979

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**  
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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

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## 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

budgetary requirements in the same manner as provided in Title 5, section 1665, and the Chief Justice shall in turn transmit these requirements to the Bureau of the Budget.

Sec. 2. 10 MRSA § 101, as last amended by PL 1973, c. 585, § 12, is repealed.

Sec. 3. 10 MRSA § 102, as last amended by PL 1975, c. 771, §§ 113 and 114, is repealed.

Sec. 4. 10 MRSA c. 801, as enacted by PL 1969, c. 430 and as amended, is repealed.

Sec. 5. 23 MRSA § 1111, as last amended by PL 1975, c. 771, § 253, is repealed.

Sec. 6. 32 MRSA §§ 73-A and 73-B are enacted to read:

§ 73-A. Report; liaison; limitations

On or before August 1st of each year, the board shall submit to the Commissioner of Human Services, 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 commissioner shall act as liaison between the board and the Governor.

The commissioner shall not have the authority to exercise or interfere with the exercise of discretionary, regulatory or licensing authority granted by statute to the board.

§ 73-B. Budget

The board shall submit to the Commissioner of Human Services its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change.

Sec. 7. 32 MRSA § 217, as enacted by PL 1977, c. 463, § 3, is amended to read:

§ 217. Reports

Not later than August 1st of each year, the board shall submit to the ~~Governor~~ Commissioner of Business Regulation a report of its transactions of the preceding fiscal year ending June 30th, and shall transmit to him a complete statement of all receipts and expenditures of the board, attested by affidavits of its chairman and its secretary.

Sec. 8. 32 MRSA §§ 217-A and 217-B are enacted to read:

§ 217-A. Liaison; limitations

The commissioner shall act as a liaison between the board and the Governor.

The commissioner shall not have the authority to exercise or interfere with the exercise of discretionary, regulatory or licensing authority granted by statute to the board.

§ 217-B. Budget

The board shall submit to the Commissioner of Business Regulation its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change.

Sec. 9. 32 MRSA § 351, sub-§ 3, 3rd sentence, as enacted by PL 1977, c. 398, § 7, is repealed and the following enacted in its place:

The executive secretary of the board shall keep a record of all proceedings, certificates of registration and licenses; issue all notices, except those required to be issued by the Administrative Court Judge under Title 4, chapter 25; attest all such papers and orders as the board shall direct; make sanitary inspections at least twice a year of shops and other establishments subject to license under this chapter as directed by the board, and shall, on or before August 1st of each year, submit a report to the Commissioner of Business Regulation, for the preceding fiscal year ending June 30th, giving a full statement of all receipts and expenditures and a statement of the work performed by the board during the year, together with such recommendations as deemed necessary.

Sec. 10. 32 MRSA § 352, sub-§ 3, as enacted by PL 1977, c. 398, § 8, is amended by adding at the end the following new paragraphs:

The commissioner shall act as a liaison between the board and the Governor.

The commissioner shall not have the authority to exercise or interfere with the exercise of discretionary, regulatory or licensing authority granted by statute to the board.

The board shall submit to the Commissioner of Business Regulation its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change.

Sec. 11. 32 MRSA § 504 is amended to read:

§ 504. Annual reports

The board shall annually on or before the first day of July in each year make a

report to the ~~Governor~~ **Commissioner of Human Services** containing a full and complete account of all its official acts during the preceding year, and a statement of its receipts or suggestions as it may deem essential.

Sec. 12. 32 MRSA §§ 505 and 506 are enacted to read:

§ 505. Liaison; limitations

The commissioner shall act as a liaison between the board and the Governor.

The commissioner shall not have the authority to exercise or interfere with the exercise of discretionary, regulatory or licensing authority granted by statute to the board.

§ 506. Budget

The board shall submit to the Commissioner of Human Services its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change.

Sec. 13. 32 MRSA § 1072, 7th sentence, as enacted by PL 1967, c. 544, § 80, is amended to read:

~~They~~ On or before August 1st, they shall annually make a report of their proceedings to the ~~Governor~~ **Commissioner of Human Services**, and shall furnish to the Secretary of State a list of persons to whom certificates have been granted during the year.

Sec. 14. 32 MRSA §§ 1075 and 1076 are enacted to read:

§ 1075. Liaison; limitations

On or before August 1st of each year, the board shall submit to the Commissioner of Human Services, 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 commissioner shall act as a liaison between the board and the Governor.

The commissioner shall not have the authority to exercise or interfere with exercise of discretionary, regulatory or licensing authority granted by statute to the board.

§ 1076. Budget.

The board shall submit to the Commissioner of Human Services its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the

commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change.

Sec. 15. 32 MRSA § 1308 is amended by adding at the end the following:

The commissioner shall act as a liaison between the board and the Governor

The commissioner shall not have the authority to exercise or interfere with the exercise of discretionary, regulatory or licensing authority granted by statute to the board.

The board shall submit to the Commissioner of Transportation its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change.

Sec. 16. 32 MRSA §§ 1452-A and 1452-B are enacted to read:

§ 1452-A. Liaison; limitations

The commissioner shall act as a liaison between the board and the Governor.

The commissioner shall not have the authority to exercise or interfere with the exercise of discretionary, regulatory or licensing authority granted by statute to the board.

§ 1452-B. Budget

The board shall submit to the Commissioner of Human Services its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change.

Sec. 17. 32 MRSA § 1601, sub-§ 3, 3rd sentence, as enacted by PL 1977, c. 398, § 10, is repealed and the following enacted in its place:

The executive secretary of the board shall keep a record of all proceedings, certificates of registration and licenses; issue all notices, except those required to be issued by the Administrative Court Judge under Title 4, chapter 25; attest all papers and orders as the board shall direct; make sanitary inspections at least twice a year of shops and other establishments subject to a license under this chapter as directed by the board, and shall report annually on or before August 1st of each year to the Commissioner of Business Regulation, for the preceding fiscal year ending June 30th, giving a full statement of all receipts and expenditures and a statement of the work performed by the board during the year, together with recommendations as deemed necessary.

Sec. 18. 32 MRSA § 1602, as last repealed and replaced by PL 1977, c. 398, § 10, is amended by adding at the end the following new paragraphs:

On or before August 1st of each year, the board shall submit to the Commissioner of Business Regulation, 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 commissioner deems essential.

The commissioner shall act as a liaison between the board and the Governor.

The commissioner shall not have the authority to exercise or interfere with the exercise of discretionary, regulatory or licensing authority granted by statute to the board.

The board shall submit to the Commissioner of Business Regulation its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change.

Sec. 19. 32 MRSA § 1678, last ¶, as enacted by PL 1967, c. 423, § 1, is repealed and the following enacted in its place:

On or before August 1st of each year, the board shall submit to the Commissioner of Transportation, 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 commission deems essential.

The commissioner shall act as a liaison between the board and the Governor.

The commissioner shall not have the authority to exercise or interfere with the exercise of discretionary, regulatory or licensing authority granted by statute to the board.

The board shall submit to the Commissioner of Transportation its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change.

Sec. 20. 32 MRSA § 2153, sub-§ 10, as amended by PL 1977, c. 78, § 179, is repealed and the following enacted in its place:

10. Report. Make an annual report to the Commissioner of Human Services for each fiscal year showing its receipts and disbursements and giving a full account of its activities during the previous 12-month period;

Sec. 21. 32 MRSA § 2153, sub-§§ 10-A and 10-B are enacted to read:

10-A. Liaison; limitations. The commissioner shall act as a liaison between the

board and the Governor.

The commissioner shall not have the authority to exercise or interfere with the exercise of discretionary, regulatory or licensing authority granted by statute to the board.

10-B. Budget. The board shall submit to the Commissioner of Human Services its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change.

Sec. 22. 32 MRSA § 2418, as enacted by PL 1973, c. 788, § 156, is repealed and the following enacted in its place:

§ 2418. Reports; liaison; limitations

On or before August 1st of each year, the board shall submit to the Commissioner of Human Services, 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 commissioner shall act as a liaison between the board and the Governor.

The commissioner shall not have the authority to exercise or interfere with the exercise of discretionary, regulatory or licensing authority granted by statute to the board.

Sec. 23. 32 MRSA § 2418-A is enacted to read:

§ 2418-A. Budget

The board shall submit to the Commissioner of Human Services its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change.

Sec. 24. 32 MRSA § 2563, as enacted by PL 1973, c. 374, § 1, is repealed and the following enacted in its place:

§ 2563. Report; liaison; limitations

On or before August 1st of each year, the board shall submit to the Commissioner of Human Services, 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 commissioner shall act as a liaison between the board and the Governor.

The commissioner shall not have the authority to exercise or interfere with the exercise of discretionary, regulatory or licensing authority granted by statute to

the board.

Sec. 25. 32 MRSA § 2563-A is enacted to read:

§ 2563-A. Budget

The board shall submit to the Commissioner of Human Services its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change.

Sec. 26. 32 MRSA § 2854, last sentence, as amended by PL 1975, c. 771, § 359, is further amended to read:

Said board shall annually in July make to the ~~Governor~~ Commissioner of Human Services a report stating the condition of pharmacy in the State, with a full and complete record of all its official acts during the year and of the receipts and disbursements of the board to the last day of the preceding month.

Sec. 27. 32 MRSA §§ 2854-A and 2854-B are enacted to read:

§ 2854-A. Liaison; limitations

The commissioner shall act as a liaison between the board and the Governor.

The commissioner shall not have the authority to exercise or interfere with the exercise of discretionary, regulatory or licensing authority granted by statute to the board.

§ 2854-B. Budget

The board shall submit to the Commissioner of Human Services its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change.

Sec. 28. 32 MRSA § 3269, sub-§ 9, last sentence, as amended by PL 1975, c. 404, § 1, is further amended to read:

Said board shall annually make a report to the ~~Governor~~ Commissioner of Human Services and to the Legislature containing a full and complete account of all its official acts during the preceding year, and a statement of its receipts and disbursements and such comments or suggestions as it may deem essential.

Sec. 29. 32 MRSA § 3269, sub-§§ 13 and 14 are enacted to read:

13. Liaison; limitation. The commissioner shall act as a liaison between the board and the Governor.

The commissioner shall not have the authority to exercise or interfere with the exercise of discretionary, regulatory or licensing authority granted by statute to the board.

14. Budget. The board shall submit to the Commissioner of Human Services

its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change.

Sec. 30. 32 MRSA § 3604 is repealed and the following enacted in its place:

§ 3604. Reports; liaison; limitations

On or before August 1st of each year, the board shall submit to the Commissioner of Human Services, 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 commission deems essential.

The commissioner shall act as a liaison between the board and the Governor.

The commissioner shall not have the authority to exercise or interfere with the exercise of discretionary, regulatory or licensing authority granted by statute to the board.

Sec. 31. 32 MRSA § 3606 is enacted to read:

§ 3606. Budget

The board shall submit to the Commissioner of Human Services its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change.

Sec. 32. 32 MRSA §§ 3973 and 3974 are enacted to read:

§ 3973. Report; liaison; limitations

On or before August 1st of each year, the board shall submit to the Commissioner of Business Regulation, 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 commission deems essential.

The commissioner shall act as liaison between the board and the Governor.

The commissioner shall not have the authority to exercise or interfere with the exercise of discretionary, regulatory or licensing authority granted by statute to the board.

§ 3974. Budget

The board shall submit to the Commissioner of Business Regulation its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change.

Sec. 33. 32 MRSA §§ 4190-A and 4190-B are enacted to read:

§ 4190-A. Reports; limitations

On or before August 1st of each year, the board shall submit to the Commissioner of Human Services, 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 commission deems essential.

The commissioner shall act as a liaison between the board and the Governor.

The commissioner shall not have the authority to exercise or interfere with the exercise of discretionary, regulatory or licensing authority granted by statute to the board.

#### § 4190-B. Budget

The board shall submit to the Commissioner of Human Services its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change.

Sec. 34. 32 MRSA § 5011, 3rd sentence, as enacted by PL 1975, c. 490, is repealed as follows:

~~Annually, on or before the first day of August, the board shall submit to the Governor a report of its transactions during the preceding fiscal year.~~

Sec. 35. 32 MRSA §§ 5011-A and 5011-B are enacted to read:

#### § 5011-A. Reports; liaison; limitations

On or before August 1st of each year, the board shall submit to the Commissioner of Conservation, 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 commission deems essential.

The commissioner shall act as a liaison between the board and the Governor.

The commissioner shall not have the authority to exercise or interfere with the exercise of discretionary, regulatory or licensing authority granted by statute to the board.

#### § 5011-B. Budget

The board shall submit to the Commissioner of Conservation its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change.

Sec. 36. 36 MRSA § 291, 2nd ¶, as amended by PL 1975, c. 771, § 399, is repealed and the following enacted in its place:

The Municipal Valuation Appeals Board shall consist of 5 members appointed by the Governor as follows: One person who has served at least 5 years previously as a town assessor and who is no longer serving in that capacity; one person who has served at least 5 years previously as a city assessor and who is no longer serving

in that capacity; 2 persons, each having at least 5 years experience in appraisal of real and personal property; and one person who shall represent the public.

Sec. 37. 37-A MRSA § 219, as enacted by PL 1971, c. 580, § 1, is repealed.

Sec. 38. 37-A MRSA § 219-A is enacted to read:

§ 219-A. Eminent domain

The Adjutant General may acquire real property by right of eminent domain in the manner prescribed by law for the taking of land for highway purposes, and both real and personal property by purchase, gift or otherwise, for the purpose of construction or maintenance of armories, airports, shipyards and other military facilities, including the building or improvement and maintenance of railroads or roads necessary for the more efficient use of these facilities for military purposes and the procuring of equipment and supplies for military purposes.

Sec. 39. 37-A MRSA § 220, first 4 ¶¶, as enacted by PL 1971, c. 580, § 1, are repealed and the following enacted in their place:

The municipal officers shall provide and maintain for each unit of the National Guard, or other state military or naval forces located within the limits of their municipality, armories and other necessary buildings, the suitability of which shall be determined by the Adjutant General.

After consulting with the municipal officers, the Adjutant General shall fix a reasonable compensation, subject to the approval of the Governor, to be paid as rent to the municipality providing and maintaining the buildings. This compensation shall be paid by the State out of the appropriation for armory rental. The buildings shall be used exclusively for military purposes, unless otherwise authorized by the general regulations prescribed by the Military Bureau, or by special authority of the Adjutant General after written application by the municipal officers, and may be jointly used by the National Guard and another reserve component or other reserve components of the Armed Forces of the United States.

The Governor may accept, in the name of the State, donations of real estate and personal property to be used for military purposes by the National Guard, or other state military or naval forces, upon such conditions as the donors may prescribe. The Governor may prescribe further regulations pertaining to property so donated. The Adjutant General may approve for payment from the appropriation for armory rentals necessary sums for the maintenance and operation of the property.

Whenever the Military Fund is sufficient, the Adjutant General may, with the approval of the Governor, erect armories and other necessary buildings upon land donated to the State for that purpose.

Sec. 40. 37-A MRSA § 220, sub-§ 2, as enacted by PL 1971, c. 580, § 1, is repealed and the following enacted in its place:

2. Certification that installment due. The Adjutant General shall certify in writing to the Treasurer of State that an installment is due.

Sec. 41. 37-A MRSA § 220, 3rd ¶ from the end, as enacted by PL 1971, c. 580, § 1, is repealed and the following enacted in its place:

To carry out this section, there shall be a biennial appropriation known as the Military Fund, from which payment is to be made by the Treasurer of State upon vouchers issued by the Adjutant General to the State Controller.

Sec. 42. 38 MRSA §§ 90-A and 90-B are enacted to read:

**§ 90-A. Reports; liaison; limitations**

On or before August 1st of each year, the commission shall submit to the Commissioner of Transportation, 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 commission deems essential.

The commissioner shall act as a liaison between the commission and the Governor.

The commissioner shall not have the authority to exercise or interfere with the exercise of discretionary, regulatory or licensing authority granted by statute to the commission.

**§ 90-B. Budget**

The commission shall submit to the Commissioner of Transportation its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change.

**Sec. 43. Application.** It is the intent of the Legislature that the reorganization of certain boards and commissions under this Act and the affiliation of certain boards and commissions with departments of Maine State Government under this Act shall have no effect whatsoever upon the personnel, whether classified or unclassified, of those boards and commissions which are reorganized or affiliated under this Act. This section shall not apply to the personnel of those boards and commissions which are repealed under this Act.

**Sec. 44. Transitional clause for the Revised Statutes, Title 36, section 291, 2nd paragraph.** This Act shall not affect the terms of those members of the Municipal Valuation Appeals Board appointed prior to the effective date of this Act, but shall govern all appointments made thereafter. As vacancies become available subsequent to the effective date of this Act, the Governor may use his discretion in the sequence with which he satisfies appointment to the classes of members listed in the Revised Statutes, Title 36, section 291, 2nd paragraph.

Effective July 6, 1978

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## CHAPTER 605

**AN ACT to Establish the Maine-Canadian Legislative Advisory Commission.**

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