

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1991

S. P. 718

In Senate, January 24, 1972

The Committee on State Government suggested.

HARRY N. STARBRANCH, Secretary

Presented by Senator Kellam of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-TWO

AN ACT Implementing the Reorganization of the Department of Public
Safety.

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

Sec. 1. R. S., T. 8, § 211, sub-§ 2, amended. Subsection 2 of section 211 of Title 8 of the Revised Statutes is amended to read as follows:

2. **Sales to those licensed.** To the sale of any such article for its use by persons or organizations having obtained from the ~~Insurance~~ Commissioner of Public Safety a permit to display such article or fireworks under section 212; or

Sec. 2. R. S., T. 8, § 211, sub-§ 9, amended. The first and last sentences of subsection 9 of section 211 of Title 8 of the Revised Statutes are amended to read as follows:

To the sale to, and use of fireworks by, agricultural growers for the protection of crops, provided a permit has been obtained for this purpose from the ~~Insurance~~ Commissioner of Public Safety.

The fees shall be credited to the ~~Division of State Fire Prevention~~ Department of Public Safety and shall not lapse but shall remain a continuing, carrying balance.

Sec. 3. R. S., T. 8, § 392, amended. The first paragraph of section 392 of Title 8 of the Revised Statutes is amended to read as follows:

A person or organization may not operate a mechanical ride which is open to the public without first obtaining a license from the ~~Insurance~~ Commissioner of Public Safety.

Sec. 4. R. S., T. 8, § 393, amended. The first sentence of section 393 of Title 8 of the Revised Statutes is amended to read as follows:

The license fees must be credited to the ~~Division of State Fire Prevention~~ **Department of Public Safety** to defray its expenses.

Sec. 5. R. S., T. 22, § 1816, amended. The 3rd and 4th sentences of section 1816 of Title 22 of the Revised Statutes are amended to read as follows:

No such license shall be issued until the applicant has furnished the department with a written statement signed by the ~~Insurance~~ **Commissioner of Public Safety** or the proper municipal official designated in Title 25, chapters 311 to 321 to make fire safety inspections that the home and premises comply with said chapters 311 to 321 relating to fire safety.

The department shall establish and pay reasonable fees to the municipal official or the ~~Insurance~~ **Commissioner of Public Safety** for each such inspection.

Sec. 6. R. S., T. 25, § 1501, amended. The first sentence of section 1501 of Title 25 of the Revised Statutes is amended to read as follows:

The ~~Governor~~ **Commissioner of Public Safety**, with the advice and consent of the ~~Governor~~ and Council, shall appoint a Chief of the State Police, as heretofore appointed, to serve for a term of 4 years unless removed for cause. **Such appointment shall be made from the commissioned officer membership of the State Police. It is the intent of the Legislature that the Governor may in his discretion appoint the same person to serve as Commissioner of Public Safety and Chief of the Maine State Police. In this event, the Chief of the State Police shall be appointed by the Governor with the advice and consent of the Council for a term of 4 years, subject to removal for cause.**

Sec. 7. R. S., T. 25, § 2394, amended. The first sentence of section 2394 of Title 25 of the Revised Statutes, as amended by section 2 of chapter 377 of the public laws of 1969, is further amended to read as follows:

When property is destroyed or damaged by fire the municipal officers in cities and towns shall immediately notify a member of the ~~Division of State Fire Prevention~~ **Department of Public Safety** who shall notify the Attorney General if arson is suspected and shall investigate the cause, circumstances and origin of the fire, and especially examine whether it was the result of carelessness or of design.

Sec. 8. R. S., T. 25, § 2395, amended. The first sentence of section 2395, as amended by section 3 of chapter 377 of the public laws of 1969, and the 2nd sentence, as enacted by section 3 of chapter 377 of the public laws of 1969, of Title 25 of the Revised Statutes, are amended to read as follows:

When the municipal officers have completed their investigation, which shall be within 2 weeks after the occurrence of the fire, they shall immediately file with the ~~Division of State Fire Prevention~~ **Department of Public Safety** a written statement of all the facts relating to the cause, circumstances and origin of the fire, the kind, value and ownership of the property destroyed or damaged and such other information as may be required.

When arson is suspected, the ~~Division of State Fire Prevention~~ **Department**

of **Public Safety** shall forward a copy of such statement to the Attorney General.

Sec. 9. R. S., T. 25, § 2542, amended. The last sentence of section 2542 of Title 25 of the Revised Statutes is amended to read as follows:

Such marshal shall furnish the ~~Insurance~~ **Commissioner of Public Safety** with such information as he may require and shall perform such inspections as the ~~Insurance~~ **Commissioner of Public Safety** may direct.

Sec. 10. R. S., T. 25, § 2801, amended. Section 2801 of Title 25 of the Revised Statutes, as enacted by section 1 of chapter 491 of the public laws of 1969 and as amended by chapter 241 of the public laws of 1971, is further amended to read as follows:

§ 2801. The Maine Law Enforcement and Criminal Justice Academy

There is created a law enforcement and criminal justice training facility to be known as "The Maine Law Enforcement and Criminal Justice Academy" which shall be established at some convenient and suitable place in the Augusta area as the ~~Board of Commissioners~~ **board of trustees**, hereinafter established, may determine.

Sec. 11. R. S., T. 25, § 2802, repealed and replaced. Section 2802 of Title 25 of the Revised Statutes, as enacted by section 1 of chapter 491 of the public laws of 1969 and as amended by chapter 241 of the public laws of 1971, is repealed and the following enacted in place thereof:

§ 2802. Board of trustees

There is created a Board of Trustees for the academy consisting of 10 members as follows: The **Commissioner of Public Safety**, ex officio, the **Attorney General**, ex officio, and the following to be appointed by the Governor with the advice and consent of the Council: A county sheriff, 3 other persons who shall be officers of municipal police departments, an educator, a representative from a criminal justice agency not involved in the general enforcement of Maine criminal laws, a representative of a federal law enforcement agency and a citizen.

The **Commissioner of Public Safety** or his designee, and the **Attorney General** or his designee, shall be members of the board during their terms of office. All of the other members of the board shall serve for a term of 3 years. Members of the board shall serve without compensation, except they shall be reimbursed for their actual expenses incurred in the performance of their duties. Any vacancy on the board of trustees shall be filled in the same manner as the original appointment, but for the unexpired term.

Sec. 12. R. S., T. 25, § 2803, repealed and replaced. Section 2803 of Title 25 of the Revised Statutes, as enacted by section 1 of chapter 491 of the public laws of 1969, and as amended by chapter 241 of the public laws of 1971, is repealed and the following enacted in place thereof:

§ 2803. Duties

The board of trustees of the academy shall have the following duties: Certify and set the standards for certification of the graduates of the academy; promulgate the standards for recruitment of academy students; act as

an advisory board to the Commissioner of Public Safety on academy matters. The academy shall be under the administrative control and supervision of the Department of Public Safety.

The Commissioner of Public Safety shall establish and supervise the training programs of the academy, employ, subject to the Personnel Law, all personnel which may be reasonably required to carry out the purposes of the academy, lease, rent or acquire adequate facilities at a location determined by the board of trustees to conduct the academy's training programs, accept such federal funds or grants as may be available to carry out or implement its purposes and establish reasonable fees for attendance to defray part of the costs of operating the academy.

Sec. 13. R. S., T. 25, § 2804, amended. The first sentence of section 2804 of Title 25 of the Revised Statutes, as enacted by section 1 of chapter 491 of the public laws of 1969, is amended to read as follows:

~~The Board of Commissioners~~ **board of trustees** shall meet at such time or times as may be reasonably necessary to carry out their duties, but it shall meet at least once in each calendar quarter at such place and time as the board shall determine and it shall meet at the call of the chairman.

Sec. 14. R. S., T. 25, § 2901, amended. Section 2901 of Title 25 of the Revised Statutes, as enacted by section 1 of chapter 496 of the public laws of 1971, is amended to read as follows:

§ 2901. Department; commissioner

There is hereby created and established the Department of Public Safety to coordinate and efficiently manage the law enforcement responsibilities of the State of Maine, to consist of ~~the Chief of the State Police, appointed by the Governor with the advice and consent of the Council, to serve at the pleasure of the Governor and Council, who shall be the Commissioner of Public Safety, who shall be appointed by the Governor with the advice and consent of the Council to serve a term coterminous with that of the Governor, subject to removal for cause by the Governor and Council and the following as heretofore created and established: The Department of the State Police, the Enforcement Division of the State Liquor Commission, the warden service of the Department of Inland Fisheries and Game, the coastal wardens of the Department of Sea and Shore Fisheries~~ the state representatives and employees of the Vehicle Equipment Safety Commission, the Division of State Fire Prevention of the Department of Insurance and ~~The Maine Police Academy~~ **Law Enforcement and Criminal Justice Academy.**

Sec. 15. R. S., T. 25, § 2902, additional. Title 25 of the Revised Statutes is amended by adding a new section 2902 to read as follows:

§ 2902. Organization; chief; employees

The Department of Public Safety shall be organized into the Bureau of State Police and such other divisions as the commissioner deems necessary to carry out the duties of the department.

The Director of the Bureau of State Police shall be known as the Chief of State Police.

The Commissioner of Public Safety, subject to the Personnel Law, may hire such employees as are necessary to carry out the functions of the enforcement division of the State Liquor Commission, the Vehicle Equipment Safety Commission and the Division of State Fire Prevention.

Sec. 16. R. S., T. 26, § 431, amended. The last sentence of the first paragraph of section 431 of Title 26 of the Revised Statutes is amended to read as follows:

The 4th member of the board shall be the ~~Insurance~~ Commissioner of Public Safety and the 5th member of the board shall be the Commissioner of Labor and Industry, who shall be chairman of the board.

Sec. 17. R. S., T. 28, § 55, sub-§ 14, amended. The first sentence of subsection 14 of section 55 of Title 28 of the Revised Statutes is amended to read as follows:

~~To~~ The enforcement division of the State Liquor Commission shall be within the Department of Public Safety as heretofore created. The Commissioner of Public Safety shall appoint, subject to the Personnel Law, a chief inspector and as many inspectors as may from time to time be found necessary.

Sec. 18. R. S., T. 28, § 55, sub-§ 14, amended. Subsection 14 of section 55 of Title 28 of the Revised Statutes, as amended, is further amended by adding at the end the following new paragraph:

Notwithstanding any other provision of law, the Department of Public Safety shall be responsible for the enforcement of the liquor laws and the rules and regulations of the commission.

Sec. 19. R. S., T. 28, § 401, amended. The first 2 sentences of subsection 1 of section 401 of Title 28 of the Revised Statutes are amended to read as follows:

The Administrative Hearing Commissioner, as designated in Title 5, chapters 301 to 307, shall conduct hearings on all matters concerning violations by licensees of any federal or state law or regulation relating to intoxicating liquor or infractions of any rule or regulation issued by the commission after notice of such violation or infraction has been reported to him on a signed complaint by a duly designated enforcement officer of ~~said commission~~ the Department of Public Safety.

In lieu of a signed complaint the duly designated enforcement officer of ~~said commission~~ the Department of Public Safety may issue warnings to licensees.

Sec. 20. R. S., T. 29, § 1361, amended. Section 1361 of Title 29 of the Revised Statutes is amended to read as follows:

§ 1361. Lights and brakes; certain lighting devices forbidden

The ~~Secretary of State~~ Commissioner of Public Safety shall prepare rules and regulations from time to time governing the adjustment, use and opera-

tion of lights on vehicles and governing the sufficiency and adjustment of brakes; and may from time to time alter, rescind or add to any rules and regulations previously made.

No person shall equip his vehicle with, use or sell, any lens, muffler, reflector or lighting device designed for use on vehicles on public ways contrary to this Title or contrary to the rules and regulations of the ~~Secretary of State~~ **Commissioner of Public Safety**.

Sec. 21. R. S., T. 29, § 1363, amended. The 2nd paragraph of section 1363 of Title 29 of the Revised Statutes is amended to read as follows:

The ~~Secretary of State~~ **Commissioner of Public Safety** shall, after public hearing following due notice, adopt and enforce regulations for the administration of this section and shall adopt and publish standards and specifications for hydraulic brake fluid which shall correlate with, and so far as practicable conform to, the then current standards and specifications of the Society of Automotive Engineers applicable to such fluid.

Sec. 22. R. S., T. 29, § 1369, amended. The last sentence of the 2nd paragraph of section 1369 of Title 29 of the Revised Statutes, as amended by section 5 of chapter 248 of the public laws of 1965, is further amended to read as follows:

The ~~Secretary of State~~ **Commissioner of Public Safety** shall approve and maintain a list of the approved types of glass.

Sec. 23. R. S., T. 29, § 1373, amended. Section 1373 of Title 29 of the Revised Statutes, as enacted by section 75 of chapter 544 of the public laws of 1967, is amended to read as follows:

§ 1373. Protective headgear for motorcycle riders

Every person operating a motorcycle or motor driven cycle, or riding as a passenger on a motorcycle or motor driven cycle or in a sidecar attached to a motorcycle or motor driven cycle shall wear protective headgear conforming with such minimum standards of construction and performance as the ~~Secretary of State~~ **Commissioner of Public Safety** may prescribe.

Sec. 24. R. S., T. 29, § 1555, amended. The first sentence of section 1555 of Title 29 of the Revised Statutes is amended to read as follows:

The commissioner of this State on the Vehicle Equipment Safety Commission shall be the ~~Secretary of State~~ **Commissioner of Public Safety** who shall serve during his continuance as such officer.

Sec. 25. R. S., T. 29, § 2011, amended. The 2nd sentence of the 6th paragraph of section 2011 of Title 29 of the Revised Statutes, as repealed and replaced by section 1 of chapter 113 of the public laws of 1967, is amended to read as follows:

In addition to other lights required by law on each such bus, its front and rear shall be equipped with flashing red lights of a type approved by the ~~Secretary of State~~ **Commissioner of Public Safety**.

Sec. 26. R. S., T. 32, § 1104-A, amended. The first sentence of section 1104-A of Title 32 of the Revised Statutes, as enacted by section 2 of chapter 498 of the public laws of 1965, is amended to read as follows:

The ~~Insurance~~ **Commissioner of Public Safety** is empowered to expend up to \$2,500 of the funds accrued to the board for the employment of one or more state fire inspectors, subject to the Personnel Law, to assist in the enforcement of this chapter and for the purchase of necessary electrical testing equipment.

Sec. 27. R. S., T. 32, § 1151, amended. The first sentence of section 1151 of Title 32 of the Revised Statutes, as amended, is further amended to read as follows:

An Electricians Examining Board, as heretofore established, and in this chapter called the "board," shall consist of an executive secretary, who shall be the ~~Insurance Commissioner of Public Safety or a his representative of the State Division of Fire Prevention delegated by the Insurance Commissioner~~ and subject to the approval of a majority of the board and 5 other members, hereinafter called the appointive members who shall be appointed by the Governor with the advice and consent of the Council.

Sec. 28. R. S., T. 32, § 1152, amended. Section 1152 of Title 32 of the Revised Statutes, as amended by section 2 of chapter 267 of the public laws of 1969, is further amended to read as follows:

§ 1152. Employees

The ~~board~~ **Commissioner of Public Safety** shall be empowered to appoint and remove, subject to the Personnel Law, such employees as may be necessary to carry out this chapter. These employees shall be located in the ~~Insurance~~ **Department of Public Safety** and under the administrative direction of the ~~Insurance~~ **Commissioner of Public Safety**.

Sec. 29. R. S., T. 32, § 1701, amended. Section 1701 of Title 32 of the Revised Statutes is amended to read as follows:

§ 1701. License required

No manufacturer, whether a person, firm or corporation, shall sell or offer for sale material used for the protection of buildings from damage by lightning until licensed to do so by the ~~Insurance~~ **Commissioner of Public Safety**.

Sec. 30. R. S., T. 32, § 2305, amended. The first sentence of section 2305 of Title 32 of the Revised Statutes, as amended by section 7 of chapter 249 of the public laws of 1967, is further amended to read as follows:

The ~~Insurance~~ **Commissioner of Public Safety** is empowered to expend up to \$2,500 of the funds accruing to the board for the employment of one or more state fire inspectors, subject to the Personnel Law, to assist in the enforcement of this chapter and for the purchase of necessary oil burning equipment.

Sec. 31. R. S., T. 32, § 2351, amended. The first sentence of section 2351 of Title 32 of the Revised Statutes, as last amended by section 2 of chapter 199 of the public laws of 1969, is further amended to read as follows:

An Oil Burner Men's Licensing Board, as heretofore established and in this chapter called the "board," shall consist of an executive secretary who shall be the ~~Insurance Commissioner of Public Safety or a his representative of the Division of Fire Prevention delegated by the Insurance Commissioner~~ subject to the approval of the majority of the board, and 4 other members, called the appointive members, who shall be appointed by the Governor with the advice and consent of the Council.

Sec. 32. R. S., T. 32, § 2352, amended. Section 2352 of Title 32 of the Revised Statutes, as amended by section 5 of chapter 199 of the public laws of 1969, is further amended to read as follows:

§ 2352. Employees

The ~~board~~ **Commissioner of Public Safety** shall be empowered to appoint and remove, subject to the Personnel Law, such employees as may be necessary to carry out this chapter. Such employees shall be located in the ~~Insurance~~ **Department of Public Safety** and under the administrative direction of the ~~Insurance~~ **Commissioner of Public Safety**.

Sec. 33. Amendatory clause. Wherever in the Revised Statutes, Title 8, sections 212, 213, 214, 217, 394, 395, 396, 551 and 651 the words "Insurance Commissioner" appear they shall mean the "Commissioner of Public Safety."

Sec. 34. Amendatory clause. Wherever in the Revised Statutes, Title 8, sections 502, 551 and 651 the words "Division of State Fire Prevention" appear they shall mean the "Department of Public Safety."

Sec. 35. Amendatory clause. Wherever in the Revised Statutes, Title 22, section 5 the words "Insurance Commissioner" appear they shall mean the "Commissioner of Public Safety."

Sec. 36. Amendatory clause. Wherever in the Revised Statutes, Title 25, sections 2391, 2392, 2393, 2397, 2398, 2399, 2432, 2441, 2444, 2445, 2448, 2450, 2452, 2452-A, 2453, 2454, 2455 and 2461 the words "Insurance Commissioner" appear they shall mean the "Commissioner of Public Safety."

Sec. 37. Amendatory clause. Wherever in the Revised Statutes, Title 32, sections 1702, 1703 and 1706 the words "Insurance Commissioner" or "commissioner" appear they shall mean the "Commissioner of Public Safety."

Sec. 38. Amendatory clause. Wherever in the Revised Statutes the term "Department of the State Police" appears it shall mean the "Bureau of State Police."

Sec. 39. Funds and equipment transferred. Notwithstanding the Revised Statutes, Title 5, section 1585, all accrued expenditures, assets, liabilities, balances of appropriations, transfers, revenues or other available funds in any account, or subdivision of an account, of any agency to be reallocated to another department strictly as a result of the reorganization effort, shall be transferred to the proper place in the new structure by the State Controller, upon recommendation of the department head, the State Budget Officer and upon approval by the Governor and Executive Council.

STATEMENT OF FACT

This legislation implements the Department of Public Safety, which incorporates into one department the Department of State Police, the Enforcement Division of the State Liquor Commission, the Vehicle Equipment Safety Commission, the Division of State Fire Prevention of the Department of Insurance, and the Law Enforcement and Criminal Justice Academy.

The Commissioner of Public Safety or his representative will replace the Insurance Commissioner as Executive Secretary of the Electricians' Examining Board and the Oil Burner Men's Licensing Board.