

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1813

H. P. 1469

House of Representatives, April 8, 1975

On Motion of Mr. Cooney of Sabattus, referred to Committee on State Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Greenlaw of Stonington.

Cosponsors: Mr. MacEachern of Lincoln, Mrs. Durgin of Kittery and Mr. Gould of Stillwater.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Create the Department of State Police.

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

Sec. 1. 2 MRSA § 6, sub-§ 1, as last amended by PL 1973, c. 788, § 2, is further amended to read:

1. The salaries of the following state officials and employees to no more than \$25,500:

Commissioner of Transportation;

Commissioner of Conservation;

Commissioner of Commerce and Industry;

Commissioner of Finance and Administration;

Commissioner of Educational and Cultural Services;

Commissioner of Environmental Protection;

Commissioner of Health and Welfare;

Commissioner of Mental Health and Corrections;

~~Commissioner of Public Safety~~

Sec. 2. 10 MRSA § 8001, first ¶, as last repealed and replaced by PL 1973, c. 788, § 43, is further amended to read:

There is created and established the Department of Business Regulation to regulate financial institutions and transactions and protect depositors, to regulate the business of insurance in the State, to regulate commercial sports, to award just compensation in land condemnations ~~and~~, to regulate real estate brokers and salesmen, **and to administer fire prevention programs.** The administrative head of said department shall be the Commissioner of Business Regulation, 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 said department shall be composed of the following bureaus, commissions and board, as heretofore created and established: The Bureau of Banks and Banking, formerly the Department of Banks and Banking; the Bureau of Insurance, formerly the Department of Insurance ~~except the Fire Prevention Division thereof~~; the Real Estate Commission; the Boxing Commission; the Running Horse Racing Commission ~~and~~; the Land Damage Board **and the Office of the State Fire Marshal.**

Sec. 3. 10 MRSA § 8002, last ¶, as last repealed and replaced by PL 1973, c. 585, § 4, is amended to read:

The commissioner shall not have authority to exercise or interfere with the exercise of any discretionary statutory authority granted to the following, which authority shall be exclusively within the specific bureau, commission or board: The Bureau of Banks and Banking, formerly the Department of Banks and Banking; the Bureau of Insurance, formerly the Department of Insurance; the Real Estate Commission; the Boxing Commission; the Running Horse Racing Commission ~~and~~; the Land Damage Board **and the Office of the State Fire Marshal.**

Sec. 3-A. 20 MRSA § 1-B, sub-§ 6, is enacted to read:

6. Maine Criminal Justice Academy. The Maine Criminal Justice Academy shall be under the direction of a director appointed by the commissioner, subject to the Personnel Law.

Sec. 4. 25 MRSA § 1501, as last amended by PL 1971, c. 592, § 6, is further amended to read:

§ 1501. Chief; deputy; members of force; rules and regulations

~~The Commissioner of Public Safety~~ **Governor**, 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. Such appointment may be made from the membership of the State Police.~~ He may be removed by the Governor and Council only after charges have been preferred in writing and, if he so requests, after public hearing. The chief shall

be the executive head of the ~~Bureau~~ Department of State Police, as heretofore established, and shall execute the duties of his office under the direction and subject to the approval of the Governor and Council. ~~Subject to the approval of the Governor and Council, the~~ The chief may designate a commissioned officer of the State Police to act as his deputy. Subject to the Personnel Law, the Chief of the State Police may enlist suitable persons as members of the State Police to enforce the law and employ such other employees as may be necessary. The Chief of the State Police shall make rules and regulations, subject to the approval of the Personnel Board, for the discipline and control of the State Police.

Sec. 5. 25 MRSA § 1541, first sentence, as last amended by PL 1971, c. 592, § 37, is further amended to read:

The Chief of the State Police shall appoint a person who has sufficient identification qualifications, including thorough knowledge of the various standard identification systems, Maine court procedure, parole and probation, to be Supervisor of the State Bureau of Identification, heretofore established within the ~~Bureau~~ Department of State Police, and he may delegate members of the State Police to serve in said bureau upon request of the supervisor.

Sec. 6. 25 MRSA § 1591, 2nd sentence, as last repealed and replaced by PL 1973, c. 625, § 165, is amended to read:

This section shall apply only to persons who were members of the State Police on July 9, 1943, except that a member appointed as chief ~~or as Commissioner of Public Safety~~ shall be permitted to continue in said position beyond July 1, 1974 or after completion of 20 years of creditable service until the end of the term for which he was appointed and said chief ~~or commissioner~~ may be appointed or reappointed regardless of attained age or length of creditable service.

Sec. 7. 25 MRSA § 1591, last ¶, as last repealed and replaced by PL 1973, c. 625, § 165, is amended to read:

Such chief ~~or commissioner~~ shall be credited with the number of years which he served as a member to be added to the number of years served as chief ~~or commissioner~~. Upon his request for retirement, made in writing to the Governor and Council, he shall receive thereafter $\frac{1}{2}$ of the pay per year that is paid to him as chief ~~or commissioner~~ provided he has at least 3 years as chief ~~or commissioner, or a combination of both~~ at the time of his retirement.

Sec. 8. 25 MRSA § 1593, as last amended by PL 1971, c. 592, § 37, is further amended to read:

§ 1593. Provision for payment

Funds for the payment of the retirement pay of state police officers shall be included in the annual budget of the ~~Bureau~~ Department of State Police and the amounts necessary to pay such retirement pay shall be in addition to the regular appropriation for the support of the department. Any person convicted of a felony while receiving a pension under this section shall forfeit such pension.

Sec. 9. 25 MRSA § 1904, as last amended by PL 1973, c. 788, § 110, is further amended to read:

§ 1904. Provisions in lieu of others

The provisions for regulation, registration and licensing of passenger tramways under this chapter shall be in lieu of all other regulations, registration or licensing requirements by the ~~Commissioner of Public Safety~~ **Superintendent of Insurance** under Title 8, sections 391 and 396.

Sec. 10. 25 MRSA § 2051, sub-§ 1 as enacted by PL 1973, c. 237, is amended to read:

1. Hazardous locations. "Hazardous locations" means those installations, glazed or to be glazed in commercial and public buildings, known as framed or unframed glass entrance doors; and those installations, glazed or to be glazed in residential buildings and other structures used as dwellings, commercial buildings and public buildings, known as sliding glass doors, storm doors, shower doors, bathtub enclosures and fixed glazed panels adjacent to entrance and exit doors which because of their location present a barrier in the normal path traveled by persons going into or out of these buildings, and because of their size and design may be mistaken as means of ingress or egress; and any other installation, glazed or to be glazed, wherein the use of other than safety glazing materials would constitute an unreasonable hazard as the ~~Commissioner of Public Safety~~ **State Fire Marshal** may determine after notice and hearings, whether or not the glazing in such doors, panels, enclosures and other installations is transparent.

Sec. 11. 25 MRSA § 2501, sub-§ 2 as amended by PL 1973, c. 656, is amended to read:

2. Safety glazing material. "Safety glazing material" means any glazing material, such as tempered glass, laminated glass, wire glass or rigid plastic, which meets the test requirements of the then current ANSI Standard Z9.71 and such further requirements as may be adopted by the ~~Department of Public Safety~~ **Office of the State Fire Marshal** after notice and hearing and which are so constructed, treated or combined with other materials as to minimize the likelihood of cutting and piercing injuries resulting from human contact with the glazing material.

Sec. 12. 25 MRSA § 2052, 2nd sentence, as enacted by PL 1973, c. 237 is amended to read:

The label shall identify the labeler, whether manufacturer, fabricator or installer, and the nominal thickness and the type of safety glazing material and the fact that said material meets the test requirements of ANSI Standard Z-97.1-1966 and such further requirements as may be adopted by the ~~Department of Public Safety~~ **Office of the State Fire Marshal**.

Sec. 13. 25 MRSA § 2392, fourth sentence, as last amended by PL 1973, c. 788, § 110-A, is repealed.

Sec. 14. 25 MRSA § 2393, first sentence, as last amended by PL 1971, c. 592, § 35, is further amended to read:

If any person fails to comply with the order of any officer under section 2392 ~~or with the decision of the Commissioner of Public Safety on review and within the time fixed~~, then such officer ~~or the Commissioner of Public Safety~~ may file a complaint in the Superior Court in the county where the building or premises is located to enforce the order of said officer ~~or the Commissioner of Public Safety~~.

Sec. 15. 25 MRSA § 2396, 1st and 2nd ¶¶, as last repealed and replaced by PL 1973, c. 632, § 6, are amended to read:

The Office of State Fire Marshal is hereby established as ~~a bureau~~ an office within the Department of ~~Public Safety~~ Business Regulation. The Commissioner of ~~Public Safety~~ Business Regulation is authorized and empowered to appoint, subject to the Personnel Law, a suitable person as State Fire Marshal and such inspectors and other employees as may be necessary. ~~The State Fire Marshal shall carry out all of the duties and responsibilities assigned to his office and such other duties as may be prescribed or delegated by the Commissioner of Public Safety and he shall devote his full time to the duties of his office~~

It shall be the duty of the said State Fire Marshal, his deputy and such inspectors to enforce all of the laws, ordinances, rules and regulations ~~promulgated by the Commissioner of Public Safety or enforceable by him~~ directed toward and concerned with protection of the public in the following areas:

Sec. 15-A. 25 MRSA § 2396, sub-§ 7, 2nd ¶, as repealed and replaced by PL 1973, c. 632, § 6 is amended to read:

The State Fire Marshal, his deputy and inspectors appointed under this Title ~~shall carry out those functions which the Commissioner of Public Safety may direct and in so doing~~ shall have the same enforcement powers and duties throughout the State as sheriffs have in their respective counties. Such enforcement powers are to be limited in scope to enforcement of statutes, ordinances, rules and regulations concerned with fire prevention, arson and other burnings and enforcement of such other specific areas of responsibility as may by statute be assigned to the Office of State Fire Marshal, and to arrest for impersonation of or interference with, the State Fire Marshal, his deputy or fire inspectors.

Sec. 16. 25 MRSA § 2397, 2nd ¶, first sentence, as last amended by PL 1971, c. 592, § 35, is further amended to read:

~~The Commissioner of Public Safety~~ State Fire Marshal, the Attorney General, or their designees, shall have authority, at all times of the day or night, in the performance of the duties imposed upon them, to enter upon and examine any building or premises where a fire is in progress or has occurred and other buildings or premises adjoining or near the same.

Sec. 17. 25 MRSA § 2399, first sentence, as last repealed and replaced by PL 1973, c. 727, § 1, is further amended to read:

The ~~Commissioner of Public Safety~~ Office of State Fire Marshal may incur reasonable expenses in educating the public in fire prevention and protection.

Sec. 18. 25 MRSA § 2399, 2nd ¶, last sentence, as last repealed and replaced by PL 1973, c. 727 is further amended to read:

Said funds shall be used solely to defray the expenses incurred by the ~~Commissioner of Public Safety~~ **Office of the State Fire Marshal** in administering all fire preventive and investigative laws, rules and regulations and in educating the public in fire safety and are appropriated for such purposes and to carry out the administration and duties of the Office of State Fire Marshal.

Sec. 19. 25 MRSA § 2399, 3rd ¶, as last repealed and replaced by PL 1973, c. 727, § 1, is further amended to read:

Whenever there shall accumulate in the special fund created by this section a surplus sufficient to defray the expenses of such administration for an ensuing period of one year, then, in the discretion of the ~~Commissioner of Public Safety~~ **State Fire Marshal**, the foregoing special tax for that year may be omitted, and the ~~Commissioner of Public Safety~~ **State Fire Marshal** shall certify to the State Tax Assessor that the special tax is to be omitted and said certification is to be made not later than the 31st day of January of the year in which the tax would otherwise be assessed.

Sec. 20. 25 MRSA § 2432, as last amended by PL 1971, c. 592, § 35, is further amended to read:

§ 2432. Removal or repair of defective chimneys, stoves, boilers and the like

On complaint of any citizen that a chimney, stove, stovepipe, oven, furnace, boiler or appurtenance is defective, out of repair or so placed in any building as to endanger it or any other building, the ~~Commissioner of Public Safety~~ **State Fire Marshal** or municipal officers of any town of not more than 2,000 inhabitants, if satisfied that such complaint is well founded, shall give written notice to the owner or occupant of such building, and if he unnecessarily neglects for 3 days to remove or repair the same effectually, he forfeits not less than \$10 nor more than \$100.

Sec. 21. 25 MRSA § 2441, 1st, 3rd, 4th and last paragraphs, as amended, are further amended to read:

The ~~Commissioner of Public Safety~~ **State Fire Marshal** shall make, amend or rescind, after public hearing thereon, notice of which has been duly advertised in the state paper, reasonable rules and regulations for the keeping, possession, storage, handling, dispensing or transporting from place to place in the State of all gunpowder, petroleum, coal oils, burning fluids, naphtha, benzine and all other explosives and illuminating substances which such commissioner believes dangerous to the lives or safety of citizens.

Such rules and regulations shall become effective when approved in writing by the Governor and Council and when a certified copy thereof has been filed with the Secretary of State. Any person aggrieved by any such rule or regulation or the reasonableness of same, or any act or order of the ~~Commissioner of Public Safety~~ **State Fire Marshal** in enforcing any such rule or regulation, may appeal to the Superior Court by filing a complaint therefor and the court shall fix a time and place of hearing and cause notice thereof to be given to

the ~~commissioner~~ State Fire Marshal and, after the hearing, the court may affirm or reverse the rule, regulation, act or order of the ~~commissioner~~ State Fire Marshal and the decision of the court shall be final.

Said ~~commissioner~~ Fire Marshal may waive the requirements of any such rules or regulations to cover any special circumstances, conditions or localities.

No person shall keep or transport any such article in any quantity or manner, except as prescribed in such regulations, unless waived by the ~~commissioner~~ State Fire Marshal as provided, under a penalty of not less than \$20 nor more than \$100, for each offense. All such articles may be seized by any peace officer and forfeited, and within 20 days after such seizure may be libeled according to law. Cities and towns may make and enforce reasonable ordinances or bylaws, not inconsistent with said rules and regulations.

Sec. 22. 25 MRSA § 2444, as last amended by PL 1971, c. 592, § 35, is further amended to read:

§ 2444. Transportation of explosives

As a condition to the granting of a permit or license to transport explosives, the ~~Commissioner of Public Safety~~ State Fire Marshal may require that the vehicle used in transportation of explosives may be accompanied by a representative of the ~~commissioner~~ Fire Marshal, who shall be paid mileage by the person to whom the license is issued at the rate allowed to fire inspectors by the State for the use of his car. This condition is not applicable to loads of 4,000 pounds or less. Explosives referred to herein shall not include petroleum products.

Sec. 23. 25 MRSA § 2445, first sentence, as last amended by PL 1971, c. 592, § 35, is further amended to read:

No artificial, liquefied petroleum, manufactured or natural gas burning appliances of whatever type shall hereafter be installed unless such installation complies with regulations issued by the ~~Commission of Public Safety~~ State Fire Marshal.

Sec. 24. 25 MRSA § 2445, 3rd ¶, as last amended by PL 1971, c. 592, § 35, is further amended to read:

Any violation of the regulations issued by the ~~Commissioner of Public Safety~~ State Fire Marshal hereunder shall be punishable by a fine of not more than \$100 or by imprisonment for not more than 90 days, or by both.

Sec. 25. 25 MRSA § 2448, as last amended by PL 1973, c. 242, § 1, is further amended to read:

§ 2448. Construction permit; when required

No person, firm or corporation shall construct a public building, school-house, hospital, convalescent, nursing or boarding home to be licensed by the Division of Hospital Services, Department of Health and Welfare, theater or other place of public assembly or any building to be state owned or operated,

without first obtaining from the ~~Commissioner of Public Safety~~ **State Fire Marshal** a permit therefor. If any such building be damaged by fire or otherwise to the extent of 50% or more, no person, firm or corporation shall repair or reconstruct such building without first obtaining from the ~~Commissioner of Public Safety~~ **State Fire Marshal** a permit therefor. A request for a permit shall be accompanied by a true copy of the plans and specifications for such construction or reconstruction. The ~~commissioner~~ **State Fire Marshal** shall issue a permit only if the plans comply with statutes and lawful regulations promulgated to reduce fire hazards.

Sec. 26. 25 MRSA § 2450, first sentence, as last amended by PL 1973, c. 788, § III, is further amended to read:

The fee for examination by the ~~Commissioner of Public Safety~~ **State Fire Marshal** through the ~~State Fire Marshal~~ of each set of plans for construction, reconstruction or repairs of public buildings, hospitals, convalescent, nursing or boarding homes to be licensed by the Division of Hospital Services, Department of Health and Welfare, theaters or other place of public assembly, or examination of a set of plans for construction, reconstruction or repairs to any other type of building, on request, shall be \$15.

Sec. 27. 25 MRSA § 2452, first sentence, as last amended by PL 1973, c. 660 is further amended to read:

The ~~Commissioner of Public Safety~~ **State Fire Marshal** shall adopt and may amend, after notice and public hearing, reasonable rules and regulations governing exits in all buildings or other structures within his jurisdiction.

Sec. 28. 25 MRSA § 2452, sub-§ 2, is amended to read:

2. **Rights declared.** Any person aggrieved by a regulation or by an act of the ~~commissioner~~ **State Fire Marshal** in enforcing it may have his rights declared by bringing an action for declaratory judgment under Title 14, chapter 707, naming the ~~commissioner~~ **State Fire Marshal** as defendant.

Sec. 29. 25 MRSA § 2452-A, as last amended by PL 1971, c. 592, § 35, is further amended to read:

§ 2452-A. Use of candles

No regulation of the ~~Commissioner of Public Safety~~ **State Fire Marshal** shall prohibit the use of candles by any officials of religious or fraternal orders during the course of a religious or fraternal service, which service occurs on the property of said church or fraternal order, provided the said use of candles is properly supervised.

Sec. 30. 25 MRSA § 2453, 2nd and 3rd ¶¶, as last amended by PL 1973, c. 632, § II, are further amended to read:

No individual, partnership or corporation shall offer for sale in this State, any type of fire escape device or fire alarm systems unless first securing approval of the ~~Commissioner of Public Safety~~ **State Fire Marshal**.

Any person or corporation aggrieved by any order of the ~~commissioner~~ **State Fire Marshal** issued under this section may appeal to the Superior Court

by filing within 30 days from the effective date of such order a complaint therefor and the court shall fix a time and place of hearing and cause notice thereof to be given to the ~~commissioner~~ **State Fire Marshal** and, after the hearing, the court may affirm or reverse in full or in part any such order of the ~~commissioner~~ **State Fire Marshal** and the decision of the court shall be final. If the ~~commissioner~~ **State Fire Marshal** in the interest of public safety, because he deems there is immediate danger, forbids the use of such buildings for any public purpose until satisfactory compliance with his order, such order shall become immediately effective and the filing of the complaint shall not operate as a stay thereof.

Sec. 31. 25 MRSA § 2542, last sentence, as last amended by PL 1971, c. 592, § 9, is further amended to read:

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

Sec. 32. 25 MRSA § 2802, as last repealed and replaced by PL 1971, c. 592, § 11, is further amended to read:

§ 2802. Board of trustees

There is created a board of trustees for the academy consisting of ~~12~~ 12 members as follows: The ~~Commissioner of Public Safety~~ **Commissioner of Education**, ex officio, the Attorney General, ex officio, and the **Chief of the State Police**, 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, a citizen and a municipal officer.

The ~~Commissioner of Public Safety~~ **Commissioner of Education** or his designee, and the Attorney General or his designee, and the **Chief of the State Police** or his designee, shall be members of the board during their term 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. 33. 25 MRSA § 2803, as last amended by PL 1973, c. 327, § 1, is further amended to read:

§ 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 and prescribe the content of the curriculum. The board of trustees of the academy may certify and set standards for certification of sheriffs, Maine police chiefs and local law enforcement officers. The academy shall be under the administra-

tive control and supervision of the Department of ~~Public Safety~~ **Education**.

The Commissioner of ~~Public Safety~~ **Education** shall 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 program, accept such federal funds or grants as may be available to carry out or implement its purposes. The board of trustees shall establish reasonable fees for attendance to defray part of the costs of operating the academy.

Sec. 34. 25 MRSA § 2806, sub-§ 5, 2nd ¶, as enacted by PL 1973, c. 672, § 4, is amended to read:

The appeal must be instituted by filing of complaint in the Superior Court at Kennebec County within 30 days after notification of the final decision of the board of trustees. Copies of the complaint must be sent to the ~~Commissioner of Public Safety~~ **Commissioner of Education** and all other parties of record. No responsive pleading need be filed.

Sec. 35. 25 MRSA c. 351 is repealed.

Sec. 36. 26 MRSA § 431, 7th sentence, as last amended by PL 1973, c. 47, §§ 2 and 3, is repealed and the following enacted in place thereof:

The 4th member of the board shall be a member of the Office of the State Fire Marshal appointed by the Commissioner of Business Regulation and the 5th member of the board shall be the Director of the Bureau of Labor and Industry, who shall be chairman of the board and the 6th member shall be a licensed elevator mechanic.

Sec. 37. 28 MRSA § 55, sub-§ 14, 1st, 2nd and 3rd sentences, as last amended by PL 1971, c. 592, § 17, are further amended to read:

The enforcement division of the State Liquor Commission shall be within the Bureau of Alcoholic Beverages ~~Department of Public Safety~~ as heretofore created. The ~~Commissioner of Public Safety~~ **Director of the Bureau of Alcoholic Beverages** shall appoint, subject to the Personnel Law, a chief inspector and as many inspectors as may from time to time be found necessary. The inspectors shall be under the direct supervision and control of the ~~chief inspector~~ **Director of the Bureau of Alcoholic Beverages**.

Sec. 38. 28 MRSA § 55, sub-§ 14, last ¶, as enacted by PL 1971, c. 592, § 18, is amended to read:

Notwithstanding any other provision of law, the ~~Department of Public Safety~~ **Bureau of Alcoholic Beverages** shall be responsible for the enforcement of the liquor laws and the rules and regulations of the commission;

Sec. 39. 28 MRSA § 351, 3rd sentence, as last amended by PL 1973, c. 192, § 1, is repealed and the following enacted in place thereof:

All such records shall be open to the commission, its representatives or representatives of the Division of Liquor Enforcement of the Bureau of Alcoholic Beverages at any time, and the commission, its representatives or representa-

tives of said Division of Liquor Enforcement shall have the right to make copies thereof which may be used as evidence of violations of this section.

Sec. 40. 28 MRSA § 351, 2nd ¶, as last amended by PL 1973, c. 192, § 2, is further amended to read:

No licensee shall refuse the commission, its representatives or representatives of said ~~Bureau~~ Division of Liquor Enforcement the right at any time completely to inspect the entire licensed premises or to audit the books and records of the licensee.

Sec. 41. 28 MRSA § 401, first and 2nd sentences, as last amended by PL 1973, c. 303, § 3, is further amended to read:

The Administrative Court Judge, 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 regulations 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 the ~~Department of Public Safety~~ Bureau of Alcoholic Beverages.

In lieu of a signed complaint, the duly designated enforcement officer of the ~~Department of Public Safety~~ Bureau of Alcoholic Beverages may issue warnings to licensees.

Sec. 42. 28 MRSA § 752, last sentence, as enacted by PL 1973, c. 749, § 6, is further amended to read:

Licenses granted to municipal auditoriums may only be used in conjunction with a function or event held on the licensed premises and the licensee must notify the ~~Bureau~~ Division of Liquor Enforcement at least 24 hours in advance of such a function or event.

Sec. 43. 32 MRSA § 1151, first sentence, as last repealed and replaced by PL 1973, c. 363, is amended to read:

An Electricians' Examining Board, as heretofore established and in this chapter called the "board," shall consist of an executive secretary, who shall be the Commissioner of ~~Public Safety~~ Business Regulation or a representative appointed by said commissioner, with the approval of a majority of the board, hereinafter called the "appointive members," who shall be appointed by the Governor with the advice and consent of the Council.

Sec. 44. 32 MRSA § 1152, first and 2nd sentences, as last repealed and replaced by PL 1973, c. 363, are further amended to read:

The Commissioner of ~~Public Safety~~ Business Regulation, with the advice and consent of the board, shall be empowered to appoint, subject to the Personnel Law, such employees as may be necessary to carry out this chapter.

Any persons so employed shall be located in the Department of ~~Public Safety~~ Business Regulation and under the administrative and supervisory direction of the ~~Commissioner of Public Safety~~ Office of the State Fire Marshal.

Sec. 45. ~~32 MRSA § 2351, first sentence~~, as last repealed and replaced by PL 1973, c. 384 is further amended to read:

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 Commissioner of ~~Public Safety~~ **Business Regulation** or a representative appointed by said commissioner, with the approval of a majority of the board, and 4 other members, hereinafter called the "appointive members," who shall be appointed by the Governor with the advice and consent of the Council.

Sec. 46. ~~32 MRSA § 2352, first ¶, first sentence~~, as last repealed and replaced by PL 1973, c. 384, is further amended to read:

The Commissioner of ~~Public Safety~~ **Business Regulation**, with the advice and consent of the board, shall be empowered to appoint, subject to the Personnel Law, such employees as may be necessary to carry out this chapter.

Sec. 47. ~~32 MRSA § 2352, 2nd sentence~~, as last repealed and replaced by PL 1973, c. 384, is further amended to read:

Any persons so employed shall be located in the Department of ~~Public Safety~~ **Business Regulation** and under the administrative and supervisory direction of the ~~Commissioner of Public Safety~~ **Office of the State Fire Marshal**.

Sec. 48. Transitional provisions. 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 as stated in this Act, shall be transferred to the proper place in the new structure as defined in this Act by the State Controller, upon recommendation of the department head, the State Budget Officer and upon approval by the Governor and Executive Council.

All existing rules and regulations currently in effect and operation on the effective date of this Act, in any of the departments, bureaus, commissions or boards referred to in this Act shall continue in effect until rescinded, amended or changed according to law.

The term "regulation" shall include, but is not limited to, any regulation, rule, order, administrative procedure, policy determination, directive, authorization, permit, license, privilege, form, blank, requirement, designation or agreement.

All employees and officials of the departments, bureaus and divisions referred to in this Act are, on the effective date of this Act transferred to the appropriate departments, bureaus and divisions as defined in this Act, and shall continue in their employment or office after such effective date, without interruption of state service, unless such employment or office after such effective date, without interruption of state service, unless such employment or office is terminated or abolished.

All appointments and deputizations heretofore made by the administrative heads of the departments, bureaus and divisions referred to in this Act shall

continue in force and effect on the effective date of this Act unless revoked by this Act or by the administrative heads of the departments and bureaus and divisions as defined in this Act.

FISCAL NOTE

An annual direct cost savings in excess of \$70,000 can be reasonably anticipated through abolishment of the Department of Public Safety, consisting solely of salaries, plus fringe benefits, and purchase/operation of vehicles for nonrequired personnel. Indirect cost savings in relation to personnel and personnel matters, office space, supplies, maintenance and facilities, to say nothing of morale problems, are nearly incalculable.

STATEMENT OF FACT

The Department of Public Safety, consisting of the Bureaus of State Police, Division of Liquor Enforcement, State Fire Marshal's Office and the Criminal Justice Academy, was established in 1972. Originally created to coordinate and manage law enforcement responsibilities for the State of Maine, it was improperly conceived through failure to include all law enforcement agencies, as well as excluding wardens of Inland Fisheries and Game and Marine Resources.

The Department of Public Safety was further crowded into an already overcrowded State Police Headquarters, not only stifling any expansion of State Police functions, but placing upon the State Police the responsibility of such matters as personnel, communications and communication repair, automobile repair and supply. State Police officers were merged into new functions such as cadre at the Criminal Justice Academy and even included a position as Administrative Assistant to the Commissioner. State Police are no longer able to fully utilize its own personnel. Although the Bureau of State Police has over 400 authorized positions, nearly 20 times the size of the next largest bureau, it is being regulated to a support position for these other bureaus which have much lesser connection with overall law enforcement. The dollar drain, direct and indirect, upon State Police mandates abolishment of the Department of Public Safety.

This bill abolishes the Department of Public Safety and creates the Department of State Police. It transfers the Division of Liquor Enforcement to the Liquor Commission, the State Fire Marshal's Office to the Department of Business Regulation, and the Maine Criminal Justice Academy to come under the umbrella of the Department of Education and Cultural Affairs while retaining its independent board of trustees.