

# MAINE STATE LEGISLATURE

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1 (EMERGENCY)

2 FIRST REGULAR SESSION  
3

4 ONE HUNDRED AND ELEVENTH LEGISLATURE  
5

6 Legislative Document

No. 1492

7  
8 H.P. 1104 House of Representatives, April 15, 1983

9 Submitted by the Department of Business Regulation pursuant to Joint  
10 Rule 24.

11 Referred to the Committee on Education. Sent up for concurrence and  
ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Thompson of So. Portland.

12 Cosponsors: Representative Benoit of So. Portland, Representative  
Kane of So. Portland and Senator Gill of Cumberland.

13 STATE OF MAINE  
14

15 IN THE YEAR OF OUR LORD  
16 NINETEEN HUNDRED AND EIGHTY-THREE  
17

18 AN ACT to Reestablish the Energy  
19 Testing Laboratory of Maine as a Part of Southern  
20 Maine Vocational-Technical Institute.  
21

22 Emergency preamble. Whereas, Acts of the Legis-  
23 lature do not become effective until 90 days after  
24 adjournment unless enacted as emergencies; and

25 Whereas, with the enactment of Public Law 1979,  
26 chapter 569, section 1, the Energy Testing Laboratory  
27 of Maine was placed under a board of directors and  
28 removed from the direct control of the Director of  
29 Southern Maine Vocational-Technical Institute; and

30 Whereas, Energy Testing Laboratory of Maine is  
31 still housed at Southern Maine Vocational-Technical  
32 Institute and still receives much of its assistance  
33 from Southern Maine Vocational-Technical Institute;  
34 and

1           Whereas, it is deemed that Energy Testing Labora-  
2           tory of Maine should be returned to the status it  
3           held at Southern Maine Vocational-Technical Institute  
4           prior to the enactment of Public Law 1979, chapter  
5           569, section 1; and

6           Whereas, it is essential that the transition  
7           occur in a timely and expeditious manner so that  
8           Energy Testing Laboratory of Maine will be fully  
9           under the control of Southern Maine  
10          Vocational-Technical Institute prior to the start of  
11          the next school year; and

12          Whereas, in the judgment of the Legislature,  
13          these facts create an emergency within the meaning of  
14          the Constitution of Maine and require the following  
15          legislation as immediately necessary for the preser-  
16          vation of the public peace, health and safety; now,  
17          therefore,

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

20          Sec. 1. 10 MRSA c. 1001, as amended, is  
21          repealed.

22          Sec. 2. 20-A MRSA c. 404 is enacted to read:

23                                 CHAPTER 404

24                                 ENERGY TESTING LABORATORY OF MAINE

25                   §10201. Establishment

26           The Energy Testing Laboratory of Maine, referred  
27           to in this chapter as "ETLM," is established at  
28           Southern Maine Vocational-Technical Institute,  
29           referred to in this chapter as "SMVTI," within the  
30           Department of Educational and Cultural Services.

31           §10202. Goals and objectives

32           The goals and objectives of ETLM are to provide  
33           those services which, among others, shall meet the  
34           safety needs of industry and the public regarding the  
35           quality of construction of products tested by ETLM,  
36           the maintenance of high standards for testing con-

1 ducted by ETLM and the provision of educational and  
2 other consultant services, and shall merge with the  
3 educational goals and objectives of SMVTI.

4 §10203. Authority

5 ETLM shall be an integral part of SMVTI and may,  
6 among other things, conduct tests, list products,  
7 supply labels, make reports, provide consultant ser-  
8 vices, conduct educational programs and provide other  
9 services consistent with the overall goals and objec-  
10 tives of ETLM as set forth in section 10202.

11 §10204. Fees

12 1. Payment of fees. Persons, corporations and  
13 all other bodies seeking services from ETLM shall pay  
14 all fees and charges set by ETLM for those services.  
15 All fees and charges shall be paid to ETLM in accor-  
16 dance with arrangements made by and between ETLM and  
17 those receiving the services.

18 2. Dedicated account. All fees received by ETLM  
19 shall be paid to the Treasurer of State to be placed  
20 in a separate, dedicated, nonlapsing income earning  
21 or interest earning account and shall be used solely  
22 for fulfilling the purposes of this chapter.

23 §10205. Records

24 ETLM shall keep records of all tests conducted  
25 and of all moneys received and disbursed by it.

26 §10206. Exemptions

27 The following exemptions shall apply to ETLM:

28 1. Rulemaking. ETLM shall not be subject to the  
29 requirements of the Maine Administrative Procedure  
30 Act, Title 5, chapter 375, before it may adopt stan-  
31 dards or policies to be utilized in carrying out its  
32 duties under this chapter, nor in establishing and  
33 setting fees to be charged for services provided by  
34 ETLM.

35 2. Freedom of access. Records maintained by  
36 ETLM relative to services provided to persons, corpo-

1 rations or any other body in accordance with this  
2 chapter are not public records as that term is de-  
3 defined in Title 1, section 402, subsection 3, except  
4 for the fiscal records maintained by ETLM.

5       **Sec. 3. Transition period.** Following the enact-  
6 ment of this bill, the Board of Directors of Energy  
7 Testing Laboratory of Maine will work with the Direc-  
8 tor of Southern Maine Vocational-Technical Institute  
9 to provide for a smooth and orderly transition of the  
10 administration of ETLM to the director of SMVTI. All  
11 records, equipment and other matters, whether tan-  
12 gible or intangible belonging to ETLM shall become  
13 the property of SMVTI.

14       **Sec. 4. Effective date.** Section 3 shall become  
15 effective immediately and sections 1 and 2 shall  
16 become effective July 5, 1983.

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

20                                           STATEMENT OF FACT

21       The need for the transition of administrative  
22 leadership from a board of directors to SMVTI is set  
23 forth in the emergency preamble. It is significant  
24 to note that SMVTI has carried much of the indirect  
25 fiscal costs for ETLM over the past several years,  
26 but has had limited control over its operation. By  
27 making ETLM an integral part of SMVTI, it is the goal  
28 of this legislation to allow SMVTI to utilize ETLM to  
29 the maximum extent possible as an educational  
30 resource. Although, the goal is for ETLM to operate  
31 to the maximum extent possible from the dedicated  
32 revenue account, it is anticipated that some of the  
33 costs of operating ETLM will continue to be borne by  
34 SMVTI. In particular, it is anticipated that faculty  
35 members of SMVTI will again be involved with ETLM,  
36 will assist ETLM in carrying out its tasks under this  
37 legislation, and will utilize ETLM for conducting  
38 classes in the field of energy testing.

39                                           3006032983