

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fourth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
ONE HUNDRED AND FOURTH LEGISLATURE
1969

Chapter 122

AN ACT Revising the Construction Safety Law Enforcement.

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

R. S., T. 26, § 45, amended. The first sentence of the 2nd paragraph of section 45 of Title 26 of the Revised Statutes is amended to read as follows:

If the commissioner or any authorized agent of the department shall find, upon inspection of construction activities, that conditions of the activity are in violation of the rules and regulations ~~and so as to be dangerous to employees working at or near them,~~ he shall notify immediately the contractor or person in charge of such activity to make alterations or additions consistent with the rules and regulations by him deemed necessary for the safety and protection of the employee.

Effective October 1, 1969

Chapter 123

AN ACT to Clarify the Watercraft Registration and Safety Law.

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

Sec. 1. R. S., T. 17, § 2798, repealed. Section 2798 of Title 17 of the Revised Statutes is repealed.

Sec. 2. R. S., T. 38, § 204, amended. Section 204 of Title 38 of the Revised Statutes is amended to read as follows:

§ 204. Certificate of bureau head and bureau director admissible in evidence

A certificate signed by either bureau head or bureau director, stating what the records of the bureau show on any given matter are admissible in evidence in all courts of this State to prove what the records of the bureau are on that matter.

1. **Certificate prima facie evidence person not the holder of a certificate of number, license or permit.** A certificate signed by either of the bureau heads or bureau director, stating that the records of the bureau do not show that a particular person on a stated date held a certificate of number, a license or permit issued under this subchapter, as the case may be, is admissible in evidence in all courts of this State and is prima facie evidence that the particular person named in the certificate did not hold a certificate of number, license or permit as specified in the certificate on the date specified in the certificate.

2. **Certificate prima facie evidence of certificate, license and permit revocation.** A certificate signed by either bureau head or bureau director, stating

that the records of the bureau show that a particular person's certificate, license or permit issued under this subchapter was under revocation or suspension on a particular stated date is admissible in evidence in all courts of this State and is prima facie evidence that the particular certificate, license or permit stated, on the date stated, of the particular person stated was under suspension or revocation.

3. **Regulations not proved by this section.** This section does not apply to the proof of bureau regulations. Proof of them by certificate is provided in section 232.

Sec. 3. R. S., T. 38, § 205, amended. Section 205 of Title 38 of the Revised Statutes, as repealed and replaced by section 22 of chapter 431 of the public laws of 1965, is amended to read as follows:

§ 205. Enforcement

Inland fish and game wardens, coastal wardens, state police officers, harbormasters and all other law enforcement officers of this State have authority to enforce this subchapter and to arrest persons who violate it. Such officers, when in uniform, may stop any watercraft for the purpose of inspecting said craft, its equipment, and its documents or certificates and may board all watercraft where necessary to enforce this subchapter or to make arrests.

Sec. 4. R. S., T. 38, § 232, sub-§ 3, ¶ A, amended. Paragraph A of subsection 3 of section 232 of Title 38 of the Revised Statutes is amended to read as follows:

A. The certified copy must be certified by either of the 2 bureau heads or the bureau director and must be accompanied by the signed statement of either bureau head or the bureau director that it was in force and effect on the date of the alleged violation.

Sec. 5. R. S., T. 38, § 233, sub-§ 3, ¶ F, repealed and replaced. Paragraph F of subsection 3 of section 233 of Title 38 of the Revised Statutes is repealed and the following enacted in place thereof:

F. Motorboats from a country other than the United States, provided the motorboat has not been within this State for a period in excess of 90 consecutive days;

Sec. 6. R. S., T. 38, § 237, sub-§ 2, amended. Subsection 2 of section 237 of Title 38 of the Revised Statutes is amended to read as follows:

2. **Operating under influence prohibited.** It is unlawful to operate any watercraft or to operate or manipulate any water skis, surfboard or similar device while intoxicated, or under the influence of intoxicating liquor, narcotic drugs, barbiturates or marijuana. Standards, tests and procedures applicable in determining whether a person is under the influence, within the meaning of this section, shall be those applicable pursuant to Title 29, section 1312.

Sec. 7. R. S., T. 38, § 237, sub-§ 7, additional. Section 237 of Title 38 of the Revised Statutes is amended by adding a new subsection 7, to read as

follows:

7. Mufflers. It shall be unlawful to operate a motorboat on the waters of this State unless it shall be equipped at all times with an effective and suitable muffling device on the engine or engines thereof to effectively deaden or muffle the noise of the exhaust, provided that motorboats which are operating in a regatta or race approved by the bureau under section 238, subsection 2 may use cut outs for such motorboats while on trial runs, or competing in speed events, not to exceed 48 hours immediately preceding or following such an authorized event.

Director's note: Subsections 8 and 9 repealed by 1969 Public Laws, chapter 504, section 50-A.

Effective October 1, 1969

Chapter 124

AN ACT Relating to Display of Maine Products in State Liquor Stores.

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

R. S., T. 28, § 55, sub-§ 4, amended. The last sentence of subsection 4 of section 55 of Title 28 of the Revised Statutes is repealed, as follows:

~~Such display shall be in addition to the regular listing of all the products sold by the commission.~~

Effective October 1, 1969

Chapter 125

AN ACT to Authorize the Chief Medical Examiner to Approve Certain Expenses.

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

R. S., T. 22, § 3024, amended. Section 3024 of Title 22 of the Revised Statutes, as enacted by section 2 of chapter 534 of the public laws of 1967, is amended by inserting before the last paragraph, a new paragraph, as follows:

The Chief Medical Examiner, using his discretion, may authorize any other expenses necessary to carry out this chapter.

Effective October 1, 1969