

# MAINE STATE LEGISLATURE

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ACTS, RESOLVES AND CONSTITUTIONAL RESOLUTIONS

AS PASSED BY THE

One Hundred and Sixth Legislature

OF THE

STATE OF MAINE

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THE KNOWLTON AND McLEARY COMPANY  
FARMINGTON, MAINE  
1973

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PUBLIC LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE  
One Hundred and Sixth Legislature

1973

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Sec. 5. R. S., T. 28, § 701, amended. The 5th paragraph of section 701 of Title 28 of the Revised Statutes, as amended by section 3 of chapter 243 of the public laws of 1965, is further amended by adding 2 new sentences at the end to read as follows:

Part-time — Golf Courses — Spiritous and vinous ..... 375

Part-time — Golf Courses — Malt liquor only ..... 125

Notwithstanding any other provision of law, the commission may grant part-time golf course licenses in any municipality which has previously voted affirmatively on questions 2 and 4 of section 101.

Effective October 3, 1973

## CHAPTER 520

AN ACT Relating to Election of Jury Trials in Misdemeanor Proceedings.

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

R. S., T. 15, § 2114, repealed and replaced. Section 2114 of Title 15 of the Revised Statutes, as amended by section 62 of chapter 356 of the public laws of 1965, is repealed and the following enacted in place thereof:

§ 2114. Defendant must make election respecting jury trial

In all prosecutions before the District Court, the defendant may in open court waive in writing his right to a jury trial in the Superior Court and elect to be tried in the District Court at a hearing before the Judge of the District Court on a plea of not guilty or enter a plea of guilty or nolo contendere. If the Judge of the District Court is satisfied that the defendant's waiver of his right to jury trial is made freely and understandingly, he may then proceed to dispose of the case. The Judge of the District Court may refuse to accept the defendant's waiver of his right to jury trial or the defendant may refuse to waive the same or decline to make an election, in which event the Judge of the District Court shall forthwith transfer the case to the Superior Court for arraignment and disposition. Any appeal to the Superior Court following an accepted waiver and judgment of conviction in the District Court shall be on questions of law and on the sentence only. Nothing in this section shall prevent a defendant, after the transfer of the case to the Superior Court, from waiving his right to jury trial in the Superior Court, in which event the case shall be heard by a Justice of the Superior Court without jury.

Effective October 3, 1973

## CHAPTER 521

AN ACT Relating to Regulation and Inspection of Plumbing.

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

Sec. 1. R. S., T. 22, § 42, repealed and replaced. Section 42 of Title 22 of the Revised Statutes, as amended by chapter 233 of the public laws of 1967, is repealed and the following enacted in place thereof:

§ 42. Rules and regulations

1. General. The department shall issue rules and regulations considered necessary and proper for the protection of life, health and welfare, and the successful operation of the health and welfare laws. The rules and regulations shall be published in such manner as the department may direct.

2. Department records. The department shall make and enforce reasonable rules and regulations governing the custody, use and preservation of the records, papers, files and communications of the department, and especially those which pertain to the granting of public assistance. The use of such records, papers, files and communications by any other agency or department of government to which they may be furnished shall be limited to the purposes for which they are furnished and by the law under which they may be furnished. It shall be unlawful for any person, except for purposes directly connected with the administration of the public assistance and in accordance with the rules and regulations of the department, to solicit, disclose, receive, make use of or authorize, knowingly permit, participate in or acquiesce in the use of, any list of or names of, or any information concerning, persons applying for or receiving such assistance, directly or indirectly, derived from the records, papers, files or communications of the State or subdivisions or agencies thereof, or acquired in the course of the performance of official duties. Any person violating any provision of this subsection shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both.

3. Plumbing. The department shall adopt rules and regulations relating to plumbing and inspection thereof consistent with Title 30, sections 3221 to 3225 and Title 32, sections 3301 to 3507; and shall hold hearings on the first Tuesday of February and August of each year for the purpose of considering changes in the rules and regulations pertaining to plumbing. The department shall prior to adopting or amending rules and regulations invite participation and receive written comments from other interested state agencies including: The Department of Environmental Protection; the Land Use Regulation Commission; the State Housing Authority; the Soil and Water Conservation Commission and the Plumbers Examining Board.

Any person who violates the rules and regulations adopted under this subsection, or who violates a municipal ordinance adopted pursuant to Title 30, section 3221 shall be punished by a fine of not less than \$100 nor more than \$500 for each offense. The department or a municipality may seek to enjoin violations of said rules and regulations or municipal ordinances.

4. Industrial employees. The Department of Health and Welfare shall be authorized:

A. Formulate, amend and repeal rules and regulations. To formulate, amend and repeal such rules and regulations as may be necessary for the protection of life, health and welfare of employees in industrial establishments and places of employment;

B. Environmental or other health hazards. To make evaluations and determinations of environmental or other health hazards affecting employees in any occupation and to establish appropriate standards related thereto. These hazards shall include but not be limited to drinking water, toilets,

lavatories, showers, sleeping quarters, eating facilities, garbage and refuse disposal, sewage disposal, cross-connections, control of communicable diseases, plumbing, housekeeping, illumination, heating and ventilation, rest and dressing rooms, labeling, storage, transportation and use of materials, noise, occupational diseases including protection from radiation and air contaminants such as dusts, fumes, mists, gases and vapors;

C. Cooperate with others. To advise, consult and cooperate with other agencies of the State, the Federal Government and other states and interstate agencies, and with affected groups, political subdivisions and industries;

D. Funds. To accept and administer according to law loans, grants or other funds or gifts from the Federal Government and from other sources, public or private, for carrying out its functions under this chapter;

E. Studies and research. To encourage, participate in or conduct studies, investigations, training, research and demonstrations relating to the control of occupational health hazards;

F. Health education information. To collect and disseminate health education information relating to occupational health and welfare;

G. Inspections. To enter and inspect industrial establishments and places of employment and to enforce the rules and regulations promulgated under this section;

H. Penalties. Any person who violates any provision of this subsection or the rules and regulations made thereunder shall be punished by a fine of not less than \$50 nor more than \$200 for each offense.

Sec. 2. R. S., T. 22, § 42-A, repealed. Section 42-A of Title 22 of the Revised Statutes, as enacted by section 1 of chapter 554 of the public laws of 1969, is repealed.

Sec. 3. R. S., T. 22, § 47, amended. The 2nd sentence of section 47 of Title 22 of the Revised Statutes is amended to read as follows:

~~Whoever~~ Any person who violates any order, rule or regulation of the department made for the protection of life or health under law shall be punished by a fine of not less than ~~\$10~~ \$20 nor more than ~~\$100~~ \$200, for each offense unless otherwise provided in section 42.

Sec. 4. R. S., T. 30, c. 215, sub-c. X, additional. Chapter 215 of Title 30 of the Revised Statutes is amended by adding a new subchapter X, to read as follows:

## SUBCHAPTER X

### REGULATION AND INSPECTION OF PLUMBING

#### § 3221. Plumbing regulations

1. Municipal ordinances. Municipalities may by ordinance, prescribe regulations for the materials, construction, alteration and inspection of all pipes,

tanks, faucets, valves and other fixtures by and through which water, waste or sewage is used or carried, and for the materials and sizes of pipe which carry water to all plumbing fixtures; provided that all permit fees established shall be the same as those fees established by the Department of Health and Welfare.

A. Any regulation, which exceeds the minimum requirements of the rules and regulations of the Department of Health and Welfare relating to plumbing as promulgated pursuant to Title 22, enacted by a municipality shall not become effective until approved by the Department of Health and Welfare. The municipality shall submit the proposed regulation to the Department of Health and Welfare within 30 days following its adoption. The Department of Health and Welfare shall approve or disapprove the proposed regulation within 30 days of the receipt thereof. If the Department of Health and Welfare fails to approve or disapprove the proposed municipal regulation within 30 days of the receipt thereof, the proposed regulation shall be deemed to be approved.

2. State regulations. No ordinance enacted by a municipality may provide less than the minimum requirements of the rules and regulations of the Department of Health and Welfare relating to plumbing as promulgated pursuant to Title 22; provided that all permit fees shall be determined by regulations of the Department of Health and Welfare. The rules and regulations of the Department of Health and Welfare in relation to all plumbing shall have full force and effect; provided however, to the extent that a municipality has enacted ordinances, the provisions of said ordinances shall prevail.

3. Plumbing defined. For the purposes of this subchapter, "plumbing" means the installation, removal, alteration or repair of pipes, fixtures and other apparatus for bringing in the water supply and removing and disposing of liquid and water-carried wastes, including the necessary piping and water connections to all types of domestic heating apparatus using water and subsurface sewage disposal systems. Except for the initial connection to a potable water supply and the final connection that discharges indirectly into a public or private disposal system, the following are excluded from this definition: All piping, equipment or material used exclusively for incorporation of liquids or gases into any product or process for use in the manufacturing or storage of any product, including product development, or for the installation, alteration, repair or removal of automatic sprinkler systems installed for fire protection only or their related appurtenances or standpipes connected to automatic sprinkler systems or overhead.

4. Subsurface sewage disposal system. "Subsurface sewage disposal system" shall mean any system for disposing of wastes or waste waters on or beneath the surface of the earth including, but not limited to, holding ponds, surface spray systems, septic tanks, drainage fields, cesspools, wells, holding tanks, surface ditches or any other fixture, mechanism or apparatus used for such purposes, but shall not include any discharge system licensed under Title 38, section 414, or any municipal or quasi-municipal sewer system.

#### § 3222. Plumbing inspectors

1. Appointment, compensation, removal. In every municipality, the municipal officers shall appoint one or more inspectors of plumbing, who may or may not be residents of the municipality for which they are appointed, and who shall hold office for one year.

Compensation of plumbing inspectors shall be determined by the municipal officers and shall be paid by their respective municipalities.

A plumbing inspector may be removed for cause by the municipal officers, after notice and hearing.

2. Certification. No person may hold the office of plumbing inspector unless he is currently certified as qualified by the Commissioner of Health and Welfare. Certification of plumbing inspectors shall be in accordance with the standards set by the commissioner, and shall be for a period of 3 years. The commissioner may grant temporary certification for a period not to exceed 6 months. The department shall publish semiannually a list of certified plumbing inspectors.

3. Duties. Plumbing inspectors shall perform the following duties:

A. Inspect all plumbing for which permits are granted, within their respective municipalities, to assure compliance with state and municipal regulations and investigate all construction or work covered by those regulations;

B. Condemn and reject all work done or being done or material used or being used which does not comply with the provisions of state and municipal regulations, and order changes necessary to obtain compliance;

C. Issue a certificate of approval for any work approved by him;

D. Keep an accurate account of all fees collected by him, and to transfer such fees to the municipal treasurer;

E. Keep a complete record of all essential transactions of his office;

F. Perform other duties as provided by municipal ordinance.

### § 3223. Plumbing permits

1. Permits required. No pipes, tanks, faucets, valves or other fixtures not related to a manufacturing or industrial operation or the waste from such operation located on or about such operation shall be placed in any building, nor shall any septic tank or other system of private sewage disposal be installed to receive the drainage from such plumbing, except to repair leaks or to replace an existing fixture, except a water heater, to be used for the same purpose, unless a permit for installation of such work has been issued by the municipal plumbing inspector. If such work does not begin within 6 months after the date of issuing its permit, the permit shall be invalid; otherwise, the permit shall be valid until the completion of such work.

2. Fees. The permit required by this section shall be issued upon receipt by the plumbing inspector of a completed application form as prescribed by the Commissioner of Health and Welfare, and payment by the applicant of the fee determined by the regulations of the Department of Health and Welfare. One-third of the amount of such fee shall be paid through the Department of Health and Welfare to the Treasurer of State to be maintained as a permanent fund and used by the department for the carrying out of its plumbing rules and regulations and the training and certification of plumbing inspectors.



The remainder shall be paid to the treasurer of the municipality and used exclusively for carrying out the plumbing laws in such municipality.

§ 3224. Approving own work forbidden

No inspector of plumbing may inspect or approve any plumbing work done by himself, or by any person by whom he is employed, or who is employed by or with him.

§ 3225. Annual reports

Inspectors of plumbing shall annually, before the first day of February, make a full report in detail to their respective municipalities and to the Department of Health and Welfare of all their proceedings during the previous calendar year under this subchapter.

Sec. 5. R. S., T. 32, c. 49, sub-c.c. II and IV, repealed. Subchapter II, as amended, and subchapter IV of chapter 49 of Title 32 of the Revised Statutes are repealed.

Sec. 6. R. S., T. 32, § 3302, repealed and replaced. Section 3302 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 3302. Applicability

A license shall be required for any person, corporation, partnership or other entity who is engaged in plumbing or working in plumbing; provided that, for cases under section 3305, a license shall only be required for persons who work in plumbing which is not specifically excepted. No license is required for any activity for which a permit is not required under section 3223. A permit issued pursuant to Title 30, section 3223 shall be required for all plumbing except plumbing to repair leaks or to replace an existing fixture, except a water heater, to be used for the same purpose.

Sec. 7. R. S., T. 32, § 3304, amended. The first paragraph of section 3304 of Title 32 of the Revised Statutes is repealed.

Sec. 8. R. S., T. 32, § 3305, additional. Title 32 of the Revised Statutes is amended by adding a new section 3305 to read as follows:

§ 3305. Exceptions

This chapter shall not apply to the following:

1. Employees of public utilities. Plumbing by regular employees of public utilities as defined in Title 35, section 15, when working as such;
2. Licensed oil burner men. Plumbing by oil burner men, duly licensed under chapter 33 of Title 32, provided that this exception only applies to hot and cold water connections to existing piping in the same room where an oil burner is being installed and does not apply beyond any existing branch connecting supplying water;
3. Private owners. Plumbing in a dwelling house or place and its appurtenant structures by the owner thereof.

Sec. 9. R. S., T. 32, § 3301, sub-§ 5, repealed and replaced. Subsection 5 of section 3301 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

5. Plumbing. "Plumbing" is the art of installing in buildings the pipes, fixtures and other apparatus for bringing in the water supply and removing liquid and water-carried wastes, and shall include the necessary water piping and water connections to all types of heating apparatus using water.

Except for the initial connection to a potable water supply and the final connection that discharges indirectly into a public or private disposal system, the following are excluded from this definition: All piping, equipment or material used exclusively for incorporation of liquids or gases into any product or process for use in the manufacturing or storage of any product, including product development, or for the installation, alteration, repair or removal of automatic sprinkler systems installed for fire protection only or their related appurtenances or standpipes connected to automatic sprinkler systems or overhead.

Effective October 3, 1973

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## CHAPTER 522

### AN ACT Relating to Commitment of Juvenile Offenders.

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

Sec. 1. R. S., T. 15, § 2611, amended. Section 2611 of Title 15 of the Revised Statutes, as amended, is further amended by adding at the end a new paragraph to read as follows:

The juvenile court shall not commit a juvenile to the Men's Correctional Center, the Women's Correctional Center, the Boys Training Center or the Stevens School if the offense or act committed by the juvenile would not be an offense under the criminal statutes of this State, if committed by a person 18 years of age or over.

Sec. 2. Intent. It is the intent of the Legislature that this provision operate prospectively only and it shall not apply in the situation where a juvenile is now committed to the Men's Correctional Center, the Women's Correctional Center, the Boys Training Center or the Stevens School although it shall apply to matters pending but undisposed of at the time of the effective date of this legislation.

Effective October 3, 1973

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## CHAPTER 523

### AN ACT Providing for Fine or Suspension under Liquor Laws.

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

R. S., T. 28, § 401, sub-§ 5, additional. Section 401 of Title 28 of the Revised Statutes, as amended, is further amended by adding a new subsection 5 to read as follows: