

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

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PUBLIC LAWS
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wire, and the web straps shall have a working strength of not less than 12,000 pounds each. A loss of 25% or more of the width or 25% of the thickness across $\frac{1}{2}$ the width at any point shall render such web straps as insufficient. These chains and binders, wire ropes, steel cables or web straps shall be held firmly in place and properly spaced to secure the load.

Effective October 24, 1977

CHAPTER 137

AN ACT to Require Minimum Standards for Automotive Fire Apparatus.

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

30 MRSA § 3778 is enacted to read:

§ 3778. **Automotive fire apparatus**

All new automotive fire apparatus purchased after the effective date of this Act, by municipal fire departments or volunteer fire associations with public moneys, shall be constructed and equipped in conformance with the standards set forth in the edition of National Fire Protection, Pamphlet #1901, Standards for Automotive Fire Apparatus, which is in effect on the date of the purchase agreement.

A municipality or volunteer fire association which receives delivery of automotive fire apparatus not in conformance with these standards may, in addition to its other remedies, recover in a civil action a penalty from the seller in an amount equal to 10% of the purchase price of the apparatus.

Effective October 24, 1977

CHAPTER 138

AN ACT to Transfer Regulations Regarding the Security of Certain Parks, Grounds, Buildings and Appurtenances Maintained by the State from the Department of Finance and Administration to the Department of Public Safety.

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

Sec. 1. 5 MRSA § 1742-A, as enacted by PL 1971, c. 622, § 17-B, is repealed.

Sec. 2. 5 MRSA §§ 1771 - 1776, as amended, are repealed.

Sec. 3. 25 MRSA §§ 2904 - 2910 are enacted to read:

§ 2904. Bureau of Capital Security

1. Commissioner of Public Safety. Except as provided in subsection 2, the Commissioner of Public Safety is authorized and empowered to promulgate rules, subject to the approval of the Governor, governing the security regarding use and occupancy of all parks, grounds, buildings and appurtenances maintained by the State at the seat of government. These rules shall become effective upon deposit of a copy with the Secretary of State, who shall forward a copy attested under the Great Seal of the State to the District Court for Southern Kennebec.

2. Officials of governmental units. The officials of the governmental units listed in the 2nd paragraph are authorized and empowered to promulgate rules governing the access, use, occupancy of buildings or parts of buildings and of other public property which are under their respective supervisions. Prior to promulgating any such rule, such official shall consult with the Commissioner of Public Safety; the commissioner shall be given an opportunity to review such rule and to comment upon its content and enforcement. These rules shall become effective upon deposit of a copy with the Secretary of State, who shall forward a copy attested under the Great Seal of the State to the District Court for Southern Kennebec. Such rules shall be suspended to the extent necessary at any time when the Commissioner of Public Safety determines that an emergency exists within the facilities to which they apply; provided, the commissioner shall not suspend such rules governing the legislative offices without the consent of the Legislative Council. The Commissioner of Public Safety shall enforce rules promulgated pursuant to this subsection, consistent with available resources and funding.

The governmental officials authorized and empowered by this subsection are:

- A. The Legislative Council, for all legislative offices;
- B. The State Law Librarian, for the Law Library;
- C. The State Librarian, for the State Library;
- D. The Director of the State Museum, for the State Museum; and
- E. The State Archivist, for the State Archives.

§ 2905. Definitions

The words "public way" or "public ways," when used in this chapter, or regulations issued thereunder, shall be held to mean all roads and driveways on lands maintained for the State Government at the capital area or other state controlled locations in Augusta.

The words "parking area" or "parking areas," when used in this chapter,

or regulations issued thereunder, shall be held to mean all lands maintained by the State at the seat of government which may be designated as parking areas by the State Director of Public Improvements.

§ 2906. Rules and regulations

The Commissioner of Public Safety is authorized and empowered to make and enforce rules, subject to the approval of the Governor, governing the use of public ways and parking areas maintained by the State at the seat of government. Said rules and regulations shall become effective upon deposit of a copy thereof with the Secretary of State, who shall forward a copy thereof attested under the Great Seal of the State to the District Court for Southern Kennebec.

The Commissioner of Public Safety may by rule establish a method by which persons charged with the violation of parking regulations may waive all court action by payment of specified fees within specified periods of time. Said regulations may provide that a vehicle unlawfully parked shall be prima facie evidence of the unlawful parking of such vehicle by the person in whose name such vehicle is registered.

§ 2907. User fees

The Commissioner of Public Safety shall establish and charge user fees for any or all parking facilities within the legally designated capitol complex, if considered feasible and with the approval of the Governor.

All user fees shall be credited to the General Fund.

§ 2908. Special officers; powers and duties; cooperation

The Commissioner of Public Safety is authorized and empowered to appoint and employ, subject to the Personnel Law, security officers who shall have the powers of arrest of a sheriff in the Capitol Area, parks, grounds, buildings and appurtenances owned or leased by the State at the seat of government.

The powers and duties of the special police officers so appointed and employed shall be to patrol all of the public ways and parking areas subject to this chapter, enforce rules made under sections 2904 to 2907, arrest any violator thereof and prosecute any offender against the same.

The State Police, sheriffs and deputy sheriffs, constables and police officers of the City of Augusta shall, so far as possible, cooperate with the special police officers appointed and employed under this section in the enforcement of rules made pursuant to sections 2904 to 2907.

§ 2909. Jurisdiction

The District Court for Southern Kennebec shall have jurisdiction in all proceedings brought under sections 2904 to 2907, which court shall take judicial notice of all rules adopted pursuant to sections 2904 to 2907. In any prosecution for violation of any rule, the complaint may allege the offense as in prosecutions under a general statute and need not recite the rule.

§ 2910. Fines and costs of court

Any person found guilty of violating any rule made pursuant to sections 2904 to 2907 shall, upon conviction, pay a fine as follows:

1. First offense. For the first offense in any calendar year, a fine of not more than \$5;
2. Second offense. For the 2nd offense in any calendar year, a fine of not more than \$7;
3. Subsequent offense. For each offense in excess of 2 in any calendar year, a fine of not more than \$10.

Sec. 4. Appropriation. There is transferred from the Department of Finance and Administration to the Department of Public Safety the sum of \$300,000 to carry out the purposes of this Act. The breakdown shall be as follows:

	1977-78	1978-79
PUBLIC SAFETY, DEPARTMENT OF		
Personal Services	(10) \$100,000	(10) \$105,000
All Other	35,000	38,000
Capital Expenditures	15,000	7,000
	\$150,000	\$150,000

FINANCE AND ADMINISTRATION, DEPARTMENT OF

Bureau of Public Improvements			
Personal Services	(-10) (\$100,000)	(-10) (\$100,000)	
All Other	(50,000)	(50,000)	
	(\$150,000)	(\$150,000)	

Effective October 24, 1977

CHAPTER 139

AN ACT Authorizing Use of Subpoena Powers to Enforce Support Obligations.

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

19 MRSA § 494-A is enacted to read:

§ 494-A. Subpoena powers