

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE
AT THE

SECOND REGULAR SESSION

January 4, 1978 to April 6, 1978

FIRST SPECIAL SESSION

(No laws enacted)

September 6, 1978 to September 15, 1978

SECOND SPECIAL SESSION

October 18, 1978

THIRD SPECIAL SESSION

December 6, 1978

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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1979

PUBLIC LAWS
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and other support required for the purposes of this chapter, and shall provide it, subject to the approval of the Legislative Council. The director shall submit a written evaluation of the operation of this chapter from time to time, but not less often than February 1st of the even-numbered years.

§ 11108. Savings clause

The provisions of this chapter shall not apply to any rule where the application would prevent the administering agency or another state agency from participating in any cash or in-kind grant-in-aid program of the Federal Government. The Legislature may, by statute, suspend the operation of this section for such a rule.

Each administering agency shall conduct a continuing review of its rules and its participation in federal grant-in-aid programs to determine whether participation will be affected by this chapter. Each agency shall give timely notification, in writing, to the Legislature of the nature of the effect.

Sec. 5. Legislative Finance Office; positions authorized.

An additional 3 positions are authorized in the Legislative Finance Office to carry out the intent of the Maine Sunset Act. The breakdown shall be as follows:

1978-79

LEGISLATIVE DEPARTMENT

Legislature (3)

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

Effective March 29, 1978

CHAPTER 684

AN ACT Relating to the Inspection of Dams.

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

Sec. 1. 38 MRSA § 811, as amended by PL 1975, c. 771, § 422, is repealed and the following enacted in its place:

§ 811. Appointment of engineer; duties

The Commissioner of Agriculture shall annually appoint a competent and professional engineer licensed to practice in this State, pursuant to Title 32, chapter 19, who is a citizen of the State as inspector of dams. The inspector of dams shall hold office until his successor is appointed and qualified. Upon the petition of 10 resident taxpayers of any town or several towns, the selectmen or assessors of any town or the county commissioners of any county, the inspector of dams shall inspect any dam or reservoir, except dams licensed and inspected by any agency of the United States Government, located in the town or county and erected for the purpose of saving water for manufacturing or other uses. Following personal examination of the dam or reservoir and after hearing the testimony of witnesses summoned for the purpose, the inspector of dams shall forthwith report to the Commissioner of Agriculture his findings and his opinion of the safety and sufficiency of the dam or reservoir. In the case of finding a dam to be unsafe or insufficient, the Commissioner of Agriculture shall notify all interested parties, including owners with riparian rights, municipalities in which the dams are located and any other persons or organizations that the Commissioner of Agriculture deems necessary. The inspection of dams, as provided in this section, shall be under the sole jurisdiction of the Department of Agriculture.

Sec. 2. 38 MRSA § 813 is repealed and the following enacted in its place:

§ 813. Compensation of engineer

The engineer shall receive, as full compensation for his services, \$75 a day while actually employed in this service, together with his actual traveling expenses to be audited, allowed and paid from the Department of Agriculture. In cases where the dam or reservoir is judged by the inspector of dams to be unsafe or insufficient, the Commissioner of Agriculture shall collect from the owner of the dam the total expenses incurred by the State for the inspection. In the event that the owner of a dam, which is judged to be unsafe or insufficient, fails to pay the total cost of inspection as required in this section, the Commissioner of Agriculture shall forthwith commence a civil action in the name of the State for the recovery of the cost of the inspection.

Sec. 3. 38 MRSA § 814 is enacted to read:

§ 814. Utilization of other state agency resources

The Commissioner of Agriculture may, with the approval of the Commissioner of Transportation, utilize the engineering expertise that exists in the Department of Transportation to assist in the evaluation of dams that are potentially hazardous to Maine citizens.

Sec. 4. **Appropriation.** The following funds shall be appropriated from the General Fund to carry out the purposes of this Act:

1978-79

AGRICULTURE, DEPARTMENT OF
Soil & Water Conservation Commission

\$5,000

Effective July 6, 1978

CHAPTER 685

AN ACT to Establish a Solar Water Heater Demonstration Program for Maine.

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

Sec. 1. 5 MRSA § 5005, sub-§ 1, ¶ G, as repealed and replaced by PL 1975, c. 587, § 2, is repealed and the following enacted in its place:

G. Encourage and direct or sponsor research, experiments, and demonstration projects within the State to develop alternate energy sources, particularly, but not limited to, those sources which rely on the renewable natural resources of the State, such as solar energy, the water of the tides and rivers, the forests, the winds and other sources which to date have not been fully explored or utilized;

Sec. 2. Appropriation. The following funds shall be appropriated from the General Fund to carry out the purposes of this Act:

1978-79

EXECUTIVE DEPARTMENT

Office of Energy Resources

All Other

\$16,000

Establishes a fund to implement a solar water heater demonstration program. The fund provides for the administration of 40 or more grants of \$400 each to qualified applicants for the installation of solar water heating systems. The Director of the Office of Energy Resources shall provide grants to home builders, homeowners, schools and hospitals that demonstrate intent to install solar water heating systems and that meet any other qualifications deemed necessary by the Office of Energy Resources. No