

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

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

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Augusta, Maine
1979

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2326, the commission shall follow the standards prescribed in this section as the basis of the commission's decision pertaining to these rates.

1. **Term of contract.** Long-term contracts for the purchase of electricity by the utility from small power producers and cogenerators shall be encouraged in order to enhance the economic feasibility of small power production and cogeneration facilities.

2. **Alternative cost of energy to the utility.** The rates paid by a utility to a small power producer or cogenerator shall not exceed, over the term of the purchase power contract, the cost to the electric utility of the electric energy which, but for the purchase from the cogenerator or small power producer, the utility would generate or purchase from another source. A determination of alternative energy costs to the utility shall include consideration of the cost of additional or existing generating capacity which could be displaced over the term of the contract as well as the cost of fuel and other operating expenses of electric energy production which a utility would otherwise incur in generating or purchasing power from another source.

3. **Displacement of fossil fuel.** Displacement of fossil fuel by the production of energy from renewable resources or by the more efficient use of energy by cogeneration shall be encouraged by contracts with and by rates paid to small power producers or cogenerators that make displacement feasible.

4. **Availability and reliability of power.** The rate charged by a small power producer or cogenerator for electricity produced shall reflect the reliability of the power with respect to the number of hours per day and days per year that it is available; the time of day and season of the year at which the electricity is made available; and the time of day, season of the year and the total need for power required by a public utility electric corporation or electric cooperative.

Effective September 14, 1979

CHAPTER 422

H. P. 934 — L. D. 1166

AN ACT to Strengthen the Procedures for Prosecuting Operating Under the Influence Cases and Strengthen the Penalties for First Offenses.

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

Sec. 1. 29 MRSA § 1312, sub-§ 8, as repealed and replaced by PL 1971, c. 547, is amended by adding at the end the following new paragraphs:

When a person, certified under subsection 6, conducts a chemical analysis of blood or breath for the purpose of determining blood-alcohol level, he may issue a certificate stating the results of the analysis. That certificate, when duly signed and sworn to by the certified person, shall be admissible in evidence in any court of the State. It shall be prima facie evidence that the percentage by weight of alcohol in the blood of the defendant was, at the time the blood or breath was taken, as stated in the certificate, unless within 10-days written notice to the prosecution, the defendant requests that a qualified witness testify as to the results of the chemical analysis.

Transfer of sample specimens to and from a laboratory for purposes of analysis may be by certified or registered mail, and when so made shall be deemed to comply with all requirements regarding the continuity of custody of physical evidence.

The refusal of a person to allow the taking of a sample specimen as authorized by this section shall be admissible in evidence, but only to show that the test was not taken and that no results are available for that reason.

Sec. 2. 29 MRSA § 1312, sub-§ 10, ¶ A, as repealed and replaced by PL 1977, c. 626, § 1, is repealed and the following enacted in its place:

A. Notwithstanding the provisions of Title 17-A, section 4-A, any person who, while under the influence of intoxicating liquor or drugs, operates or attempts to operate a motor vehicle within this State shall be punished, on his first conviction, by a fine of not less than \$250 or not more than \$1,000. In addition, the person may be punished by imprisonment for not more than 90 days.

Sec. 3. 29 MRSA § 1312, sub-§ 10, ¶ E, as repealed and replaced by PL 1977, c. 626, § 1, is amended by adding at the end the following new sentence:

The court may be satisfied of the identity of the defendant with the person named if the name and date of birth are the same.

Sec. 4. 29 MRSA § 1312, sub-§ 10-A, ¶ A, sub-¶ (1-A) is enacted to read:

(1-A) In the case of a first conviction when that operation involved an accident causing personal injury to another person, 6 months;

Sec. 5. 29 MRSA § 1312, sub-§ 10-A, ¶ B, sub-¶ (1), as enacted by PL 1977, c. 626, § 2, is amended to read:

(1) In case of a first conviction, the secretary receives written notice that the person has satisfactorily completed the alcohol education program of the Department of Human Services and, if required by the Department of Human Services, has also satisfactorily completed an alcohol treatment or rehabilitation program approved or licensed by the department;