

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

AT THE

SECOND REGULAR SESSION

January 2, 1980 to April 3, 1980

AND AT THE

THIRD SPECIAL SESSION

May 22, 1980

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
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PUBLIC LAWS
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allow the taking of a sample specimen as authorized by this section shall be admissible in evidence on the issue of whether that person was under the influence of intoxicating liquor. If the arresting law enforcement officer fails to give either of the warnings required under subsection 1, the revocation of the person's implied consent by refusing to submit to a chemical test shall not be admissible. If a revocation of consent is not admitted into evidence, the court may inform the jury of the fact that no test result is available.

If a test result is not available for a reason other than revocation of consent, the unavailability and the reason shall be admissible in evidence.

Sec. 34. 36 MRSA § 5334, as amended by PL 1973, c. 567, § 20, is repealed and the following enacted in its place:

§ 5334. Venue

The failure to do any act required by or under this Part shall be deemed an act committed in part at the principal office of the assessor. Any prosecution under this Part may be conducted in any county where the person or corporation to whose liability the proceeding relates resides or has a place of business, or in any county, in which such crime is committed.

Effective July 3, 1980

CHAPTER 702

H. P. 1771 — L. D. 1891

AN ACT to Establish a Modified Procedure on Matters before the Public Utilities Commission Relating to Contract Carrier Permits and Special and Charter Bus Licenses.

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

Sec. 1. 35 MRSA § 1554, 1st sentence is amended to read:

Every holder of a certificate of public convenience and necessity shall file with the commission a schedule or schedules showing its rates or charges for service rendered or furnished or to be rendered or furnished within the State, including rates or charges established jointly with other such holders to the extent authorized by the commission ~~over routes not served by a single common carrier.~~

Sec. 2. 35 MRSA § 1555, sub-§ 3, first sentence, as repealed and replaced by PL 1977, c. 46, is repealed and the following enacted in its place:

The commission shall hold a hearing on an application for a permit if a hearing is

requested, within 15 days after notice is given, by a common carrier having a direct and substantial interest in the outcome of the proceeding. The commission may, in its discretion, hold a hearing on any application. No application, or any part thereof, may be denied without providing the applicant an opportunity for a hearing if requested.

Sec. 3. 35 MRSA § 1555, sub-§ 5, as repealed and replaced by PL 1977, c. 45, is repealed and the following enacted in its place:

5. Temporary permit. The commission may issue a temporary contract carrier permit without holding a hearing when the commission finds that there exists an immediate and urgent need for the proposed operation and that the issuance of a temporary permit will not be contrary to the declaration of policy set forth in section 1551 or seriously infringe on common carrier service. A temporary permit shall be valid for 180 days unless the commission specifies a shorter time. A common carrier serving in the same area may request a hearing to determine the extent of any infringement on its operations while the permit is in effect. If the commission determines, after hearing, that there will be a serious infringement, the commission shall have authority, notwithstanding Title 5, section 10051, to terminate the temporary permit. The issuance of a temporary permit shall not create a presumption that corresponding permanent authority will be granted thereafter. No temporary permit may be issued unless the applicant has paid the fees and procured insurance as required by section 1557, subsection 2 and section 1559 and met any other requirements as may from time to time be prescribed by the commission.

Sec. 4. 35 MRSA § 1557, sub-§ 3, 3rd sentence, as enacted by PL 1979, c. 100, is repealed and the following enacted in its place:

The commission shall hold a hearing on an application for assignment and transfer of a common carrier certificate if a hearing is requested within 15 days after notice of the application is given. The commission may, in its discretion, hold a hearing on any application for assignment and transfer of a common carrier certificate or a contract carrier permit. No application, or any part thereof, may be denied without providing the applicant an opportunity for a hearing if requested.

Sec. 5. 35 MRSA § 1643, 3rd, 4th, 5th and 6th sentences, as repealed and replaced by PL 1979, c. 81, are repealed and the following enacted in their place:

The commission shall give notice of the application to any common carrier offering the same or similar service and to such other parties as it deems necessary. The commission shall hold a hearing on the application if a hearing is requested, within 15 days after notice is given, by a common carrier having a direct and substantial interest in the outcome of the proceeding. The commission may, in its discretion, hold a hearing on any application. No application or any part thereof may be denied without providing the applicant an opportunity for a hearing if requested. A license shall be issued to any qualified applicant, authorizing all or any part of the operations covered by the application, if it is

found that the applicant is fit, willing and able to perform the service proposed and to conform to the applicable provisions of law and the requirements, rules and regulations of the commission, and that the proposed service to the extent to be authorized by the license is or will be consistent with the public interest and the policy described in section 1641; otherwise the application shall be denied.

Effective July 3, 1980

CHAPTER 703

H. P. 1974 — L. D. 2013

AN ACT Prohibiting Nondegradable Connectors for Returnable Beverage Containers.

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

32 MRSA § 1868, sub-§ 2, as enacted by PL 1975, c. 739, § 16, is repealed and the following enacted in its place:

2. **Connectors.** With containers connected to each other by a separate holding device constructed of plastic rings or other device or material which does not decompose by photodegradation, chemical degradation or biodegradation within a reasonable period of time upon exposure to the elements.

Effective July 3, 1980

CHAPTER 704

S. P. 682 — L. D. 1805

AN ACT to Increase Compensation to Municipal Clerks and other Issuing Agents for the Issuance of Certain Fish and Game Licenses.

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

Sec. 1. 12 MRSA § 7101, sub-§ 2, as enacted by PL 1979, c. 420, § 1, is amended to read:

2. **Agent's fee.** Clerks or other agents appointed by the commissioner to issue licenses and permits shall ~~retain a fee of 50¢~~ **charge a fee of \$1** for each hunting license issued.

Sec. 2. 12 MRSA § 7101, sub-§ 5, as enacted PL 1979, c. 420, § 1 and as amended by PL 1979, c. 543, § 7, is further amended to read: