

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

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

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1981

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND TENTH LEGISLATURE

1981

DEPARTMENT OR AGENCY

**ALLOCATIONS FROM THE
HIGHWAY FUND
1981-82 1982-83**

Motor Vehicles

Unallocated

(\$ 34,913) (\$ 45,784)

Eliminates the Social-Medical Coordination Program (\$22,455 in the first year and \$21,668 in the 2nd year) and provides for a reduction in allocation due to the transfer of the commercial driving school program to the Department of Business Regulation effective January 1, 1982 (\$12,458 in the first year and \$24,116 in the 2nd year).

TOTAL PART C — HIGHWAY FUND

(\$34,913) (\$45,784)

Emergency Clause. This Act shall take effect July 1, 1981, except that section 126 shall take effect when approved and section 94 shall take effect January 1, 1982.

Effective July 1, 1981, unless otherwise indicated

CHAPTER 457

S. P. 654 — L. D. 1679

AN ACT to Remove the Customer Charge from Electric Utility Rate Structures.

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

35 MRSA § 96, as enacted by PL 1979, c. 539, is repealed and the following enacted in its place:

§ 96. Minimum charge

1. Companies required to provide minimum charge. Any electric company serving more than 5,000 customers which has in effect for residential customers a flat rate combining energy and demand charges shall recover its customer costs through the same rate. As part of that rate, each such electric company shall provide for a minimum charge to include such an amount of kilowatt hours as the commission shall determine.

2. Institution of minimum charge. The minimum charge required by this section shall be instituted not later than the date of the first residential rate order adopted with respect to the company after the effective date of this section. For

any such company which applies a flat rate for residential customers when this section becomes effective, the commission shall order that the minimum charge be instituted no later than 30 days thereafter.

3. **Billing of minimum charge.** The minimum charge shall be billed to the customer in such manner that all charges to the customer for residential service shall appear on the bill as a single item. This requirement does not prohibit separate information concerning the fuel cost adjustment, as defined in section 131, from appearing on the statement.

Effective September 18, 1981

CHAPTER 458

S. P. 251 — L. D. 720

AN ACT to Ensure the Admissibility of Results of Self-contained, Breath-alcohol Testing Apparatuses.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Legislature in 1977 passed amendments to the Revised Statutes, Title 29, section 1312, designed to insure the use of self-contained, breath-alcohol testing apparatuses and to ensure the admissibility of the results of those tests in evidence in court; and

Whereas, a wide variety of claims are being made in the courts in this State that the results of such tests should not be admissible in evidence or, if admissible, are without probative weight under the present statute and in the absence of substantial and impractical amounts of expert testimony; and

Whereas, self-contained, breath-alcohol testing apparatuses are in widespread use in the State at the present time and many tests have been performed with them in cases which are pending trial; and

Whereas, it is important to the proper enforcement of the operating under the influence of alcohol law that these test results be admissible in evidence; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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