

# **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

January 5, 1977 to July 25, 1977

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

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PORLAND LITHOGRAPH COMPANY  
PORTLAND, MAINE  
1977

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**  
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1977

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Should the carrier fail to file any appointment of a resident agent, representative or attorney as required, the commission shall refuse to issue the permit or certificate or any renewal thereof held by the carrier until such time as the carrier shall file an appointment of resident agent, representative or attorney in compliance with this section.

If any carrier holding a permit or certificate from the commission has been required to appear in any court, through its appointed lawful agent or attorney, and shall fail to comply with or satisfy any lawful order or judgment of the court, the court shall so notify the commission, which shall immediately suspend the permit or certificate held by the carrier until such time as the carrier shall have complied with or satisfied the order or judgment.

Effective October 24, 1977

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## CHAPTER 19

### AN ACT Concerning Witness Fees Under the Public Utility Regulatory Statute.

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

35 MRSA § 300, 1st sentence, is repealed and the following enacted in its place:

Each witness who shall appear before the commission by its order shall receive for his attendance the fees and mileage provided for witnesses in civil cases in the Superior Court, except that this provision shall not apply to the employees, officers, directors, trustees and holders of more than 10% of the common stock of a public utility which is the subject of the commission proceeding. The fees shall be audited and paid by the State in the same manner as other state expenses are audited and paid upon the presentation of proper vouchers approved by the commission.

Effective October 24, 1977

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## CHAPTER 20

### AN ACT Relating to the Definition and Licensing of Applications under the Pesticide Control Law.

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

Sec. 1. 22 MRSA § 1471-C, sub-§ 5, as amended by PL 1975, c. 644, § 2, is repealed and the following enacted in its place:

5. Commercial applicator. "Commercial applicator" means any person, whether or not the person is a private applicator with respect to some uses, who uses or supervises the use of any limited or restricted-use pesticides on any property other than as provided by subsection 22, or who uses general-use pesticides in custom application on such property.

Sec. 2. 22 MRSA § 1471-C, sub-§ 5-A is enacted to read:

5-A. Custom application. "Custom application" means any application of any pesticide for hire.

Sec. 3. 22 MRSA § 1471-D, sub-§ 4, 3rd sentence, as enacted by PL 1975, c. 397, § 2, is amended to read:

Commercial applicators shall and ~~private applicators may~~ be required by the board to provide proof of financial responsibility in custom application as to such amounts as the board may, by regulation, designate; ~~private applicators may also be required to provide such proof.~~

Sec. 4. 22 MRSA § 1471-E, first and 3rd sentences, as enacted by PL 1975, c. 397, § 2, are amended to read:

No person shall, for the purpose of controlling aquatic pests, apply pesticides to or in any river or stream or tributary thereof, or any great pond, without a permit from the board.

If, on the basis of the application for the permit, the board finds that the proposed application of pesticides will conform to applicable laws and regulations and is unlikely to ~~adversely affect any plant or animal life, other than that sought to be controlled,~~ exert a significant adverse impact on nontarget species it may grant the permit.

Effective October 24, 1977

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## CHAPTER 21

### AN ACT to Clarify the Maine Municipal Securities Approval Act.

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

Whereas, the intent of this Act is to permit refunding of municipal securities without requiring the approval of a municipal election; and

Whereas, most municipal elections are held at town meeting time in the spring of each year; and

Whereas, if this Act does not take effect before 90 days after adjournment of the Legislature, many municipal bonds could not receive approval until the spring of 1978, by which time interest rates for bonds may have greatly increased; and