

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.

PORTLAND LITHOGRAPH COMPANY
PORTLAND, MAINE
1977

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND EIGHTH LEGISLATURE

1977

CHAPTER 38

AN ACT to Modify the Immunity Granted by Statute to a Person who Testifies before the Public Utilities Commission on Matters which May Tend to Incriminate that person.

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

35 MRSA § 309 is repealed and the following enacted in its place:

§ 309. Self-incrimination; immunity

In any proceeding before the commission, if a person refuses to answer questions or produce evidence of any kind on the ground that he may be incriminated thereby, and if the commission staff, in writing, and with the written approval of the Attorney General, requests the commission to order that person to answer the questions or produce the evidence, the commission, after notice to the witness and hearing, shall so order unless it finds to do so would be clearly contrary to the public interest. After complying, and if, but for this section, a person would have had the right to withhold the answers given or the evidence produced by him, that person shall not be prosecuted or subjected to penalty or forfeiture for or on account of any transaction, matter or thing concerning which, in accordance with the order, he gave answer or produced evidence. Failure to answer questions or produce evidence as ordered by the commission, following notice and hearing, shall subject a person to the provisions of section 352. He may, nevertheless, be prosecuted or subjected to penalty or forfeiture for any perjury, false swearing or contempt committed in answering or failing to answer, or in producing or failing to produce evidence in accordance with the order.

Effective October 24, 1977

CHAPTER 39

AN ACT to Clarify the Right of Trust Companies to Invest Funds Held as Trustee Under Certain Retirement Plans.

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

Whereas, the Revised Statutes, Title 9-B, section 442 was intended to grant Savings Banks, Savings and Loan Associations, Credit Unions and Industrial Banks the right to serve as trustee under certain retirement plans or accounts, provided these plans require the funds of the trust or account to be invested exclusively in deposits in these institutions; and

Whereas, it was not intended by section 442 to restrict the powers granted to trust companies by Title 9-B, chapter 66; and

Whereas, trust companies hold many of these trust accounts which are not invested exclusively in deposits; and

Whereas, the liquidation of these accounts may result in loss or hardship to the many beneficiaries interested in such accounts; 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:

9-B MRSA § 442, sub-§ 1, as enacted by PL 1975, c. 500, § 1, is amended to read:

1. **Authorization; limitation.** ~~A financial institution~~ Savings banks and savings and loan associations shall have power to act as trustee under a retirement plan established pursuant to the Act of Congress entitled "Self-employed Individuals Retirement Act of 1962," as amended, or an individual retirement account pursuant to the "Employee Retirement Income Security Act of 1974," as amended; provided that the provisions of such plans require the funds of such trust or account to be invested exclusively in deposits or shares in said institution. This section shall in no way limit the authority granted to trust companies by chapter 66.

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

Effective March 22, 1977

CHAPTER 40

AN ACT to Require Voters to State their Name and Address when Voting.

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

Sec. 1. 21 MRSA § 861, sub-§ 1, is amended to read:

1. **Name announced.** A voter who wishes to vote must state his name and, upon request, street address ~~in a municipality which has voting districts~~ to an incoming election clerk who shall announce the name in a loud, clear voice.

Sec. 2. 21 MRSA § 861, sub-§ 5, first sentence is amended to read:

When he leaves the voting booth, the voter shall proceed to the ballot box and announce his name and, upon request, street address to the outgoing election clerk in charge of the voting list.

Effective October 24, 1977