

# 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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PORTLAND LITHOGRAPH COMPANY  
PORTLAND, MAINE  
1977

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PUBLIC LAWS  
OF THE  
**STATE OF MAINE**  
AS PASSED AT THE  
**FIRST REGULAR SESSION**  
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ONE HUNDRED AND EIGHTH LEGISLATURE  
1977

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

Effective April 13, 1977

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## CHAPTER 74

### AN ACT Providing for the Revocation and Nonrenewal of Liquor Licenses for Nonpayment of State Taxes.

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

Sec. 1. 28 MRSA § 304, 1st sentence, is amended to read:

Except as provided by section 601, no person shall be issued a license or a renewal of a license if he shall be indebted in any manner, directly or indirectly, to any other person for liquor or to the State of Maine for any tax, other than property tax, assessed and deemed final under Title 36 which the State Tax Assessor certifies, in accordance with Title 36, section 6, as remaining unpaid in an amount exceeding \$1,000 for a period greater than 60 days after the applicant or licensee has received notice of the finality of such tax.

Sec. 2. 36 MRSA § 6 is enacted to read:

#### § 6. Denial, suspension and revocation of licenses

If any tax, other than property tax, assessed and deemed final under this Title remains unpaid in an amount exceeding \$1,000 for a period greater than 60 days after the taxpayer has received notice of such finality and the taxpayer refuses to cooperate with the bureau in establishing and remaining in compliance with a reasonable plan for liquidating such liability, the Tax Assessor shall certify the liability and lack of cooperation to the State Liquor Commission, which shall construe such liability and lack of cooperation to be a ground for denying, suspending or revoking the taxpayer's liquor license in accordance with Title 28, sections 304 and 401.

Effective October 24, 1977

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## CHAPTER 75

### AN ACT to Exempt Small Water Districts from Regulation by the Public Utilities Commission.

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

Whereas, there are 39 municipal or quasi-municipal water companies operating in Maine with 400 or fewer customers; and

Whereas, many of these companies are experiencing serious financial problems; and

Whereas, these small nonprofit water companies are in the process of or planning to file rate increases with the Public Utilities Commission; and

Whereas, the Public Utilities Commission is burdened with many other rate cases that will delay rate decisions pertaining to small nonprofit water companies; and

Whereas, delayed decisions will very seriously affect the financial stability of these nonprofit corporations; and

Whereas, this problem could be significantly reduced by allowing these companies to change their rates following a public hearing without approval by the Public Utilities Commission provided that decisions can be appealed to the Public Utilities Commission; 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:*

**Sec. 1.** 35 MRSA § 69 is amended by adding at the end the following new paragraph:

This section shall not apply to municipal or quasi-municipal corporations which are water companies within the definition of section 15, subsection 25, and which serve 400 or fewer customers, any provisions in any charter notwithstanding.

**Sec. 2.** 35 MRSA § 72 is enacted to read:

§ 72. Municipal and quasi-municipal water companies serving 400 or fewer customers

Notwithstanding section 69, municipal and quasi-municipal corporations which are water companies within the definition of section 15, subsection 25, and serving 400 or fewer customers shall be subject to the suspension, investigation, hearing and rate substitution provisions of section 69 under the conditions specified in this section.

Municipal and quasi-municipal water corporations as defined in this section shall not file with the commission or increase any rate, toll or charge without first holding a public hearing at which any person, firm or corporation which pays such rates, tolls or charges to the municipal or quasi-municipal water corporations may testify and may question the officials present

regarding such proposed increase. The municipal or quasi-municipal water corporation as described in this section shall, at least 14 days prior to the hearing, publish a notice of the date, time, place and purpose of the hearing in a newspaper of general circulation in the area encompassed by the municipal or quasi-municipal water corporation.

If, on or before the effective date of the rate change, 10% of the customers of the municipal or quasi-municipal water corporation file with the treasurer of the corporation and with the Public Utilities Commission petitions demanding a review of the rate changes by the Public Utilities Commission, the rate change may be suspended, investigated, reviewed and changed in accordance with section 69.

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

Effective April 13, 1977

## CHAPTER 76

### AN ACT Concerning the Required Height of Motorcycle Handlebars.

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

29 MRSA § 999, 2nd ¶, as enacted by PL 1967, c. 65, is amended to read:

No person shall operate on the highway any motorcycle or motor driven cycle equipped with handlebars that are more than 15 inches in height above the uppermost portion of the seat when depressed by the weight of the operator whose handgrips are higher than the shoulder level of the driver of the motorcycle.

Effective October 24, 1977

## CHAPTER 77

### AN ACT Relating to Representation of Maine Maritime Academy on the Post-secondary Education Commission of Maine.

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

Sec. 1. 20 MRSA § 76, sub-§ 1, ¶ E, 1st 2 sentences, as enacted by PL 1975, c. 601, § 1, are repealed and the following enacted in their place: