

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

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3. Duplication. The Maine Public Utilities Commission has found that the line will not constitute a duplication of electric facilities.

Sec. 3. 35 MRSA § 2347-A, as enacted by PL 1965, c. 270, § 2, is amended to read:

§ 2347-A. Discontinuance of public ways

In proceedings for the discontinuance of public ways, such public ways may be discontinued in whole or in part. The discontinuance of a town way shall be presumed to relegate the town way to the status of a private way unless the town meeting article shall specifically state otherwise pursuant to the provisions of Title 23, section 3026. Unless an order discontinuing the same shall specifically otherwise provide, the public easement provided for in Title 23, section 3026 shall include an easement for public utility facilities, and a utility may continue to maintain, repair and replace its installations within the limits of such way for a period not exceeding 3 years from the date of discontinuance or may thereafter construct and maintain new facilities within the limits of the discontinued way, if being used for travel by motor vehicles, in order to provide utility service, upon compliance with the provisions of sections 2483 through 2486.

Effective October 24, 1977

CHAPTER 302

AN ACT Concerning Unfair Trade Practices of Financial Institutions.

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

9-B MRSA § 241, sub-§ 1, ¶ D is enacted to read:

D. Whenever the superintendent has reason to believe that any financial institution authorized to do business in this State or any credit union authorized to do business in this State is using or is about to use any method, act or practice in violation of section 231 and that proceedings would be in the public interest, he may bring an action in the name of the State against such entity to restrain by temporary or permanent injunction the use of such method, act or practice and the court may make such other orders or judgments as may be necessary to restore to any person who has suffered any ascertainable loss by reason of the use or employment of such unlawful method, act or practice, any moneys or property, real or personal, which may have been acquired by means of such method, act or practice. At least 10 days prior to commencement of any action under this section, the superintendent shall notify the entity of his intended action, and give the entity the opportunity to confer with the superintendent in person or by counsel or other representative as to the proposed action. Notice shall be given the entity by mail, postage prepaid, sent to their usual place of business. The superintendent may proceed without notice as required by this section upon

a showing of facts by affidavit of immediate irreparable harm to the consumers of the State. The action may be brought in the Superior Court of the county in which such entity is located or has its principal place of business or may be brought in the Superior Court of Kennebec County. The courts are authorized to issue temporary or permanent injunctions to restrain and prevent violations of this section. Any district attorney or law enforcement officer receiving notice of any alleged violation of this section shall immediately forward written notice of same with any other information that he may have to the office of the superintendent. Any person or entity, who violates the terms of an injunction issued under this section, shall forfeit and pay to the State to be applied to the General Fund a civil penalty of not more than \$10,000 for each violation. For the purposes of this section, the court issuing such injunction shall retain jurisdiction, and the cause shall be continued, and in such cases the superintendent, acting in the name of the State, may petition for recovery of such civil penalty. In any action under this section where a permanent injunction is issued, the court may order the person or entity against whom the permanent injunction has been issued to pay to the State the costs of the investigation of that person or entity by the superintendent and the costs of suit, which fund shall be applied in the carrying out of the duties of the Bureau of Banking.

Effective October 24, 1977

CHAPTER 303

AN ACT Relating to Bidding Procedures Involving the Bureau of Public Improvements.

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

Sec. 1. 5 MRSA § 1743, as last amended by PL 1975, c. 771, § 82, is repealed and the following enacted in its place:

§ 1743. Competitive bids

Any contract for any public improvement in which the State or any of its agencies hold in fee or by lease hold interest, except contracts for professional, architectural and engineering services, shall be awarded by the Department of Finance and Administration through the Bureau of Public Improvements, under a system of competitive bidding in accordance with chapters 141 to 155 and such other conditions and restrictions as the Governor may from time to time prescribe.

Sec. 2. 5 MRSA § 1745, as last amended by PL 1975, c. 771, § 83, is repealed and the following enacted in its place:

§ 1745. Advertisement for sealed proposals; bonds