

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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1977

Sec. 16. 38 MRSA § 551, sub-§ 7, ¶ B, as enacted by PL 1969, c. 572, § 1, is amended to read:

B. An act of government, either State, Federal or municipal, except insofar as the act was pursuant to section 548;

Sec. 17. 38 MRSA § 552, sub-§ 2, as enacted by PL 1969, c. 572, § 1, is repealed and the following enacted in its place:

2. State need not plead or prove negligence. Because it is the intent of this subchapter to provide the means for rapid and effective clean-up and to minimize direct damages as well as indirect damages and the proliferation of 3rd party claims, any person, vessel, licensee, agent or servant, including carriers destined for or leaving a licensee's facility while within state waters, who permits or suffers a prohibited discharge or other polluting condition to take place shall be liable to the State of Maine for all disbursements made by it pursuant to section 551, subsection 5, paragraphs B, D and E, or other damage incurred by the State. In any suit to enforce claims of the State under this section, to establish liability, it shall not be necessary for the State to plead or prove negligence in any form or manner on the part of the person causing the discharge or licensee responsible for the discharge. The State need only plead and prove the fact of the prohibited discharge or other polluting condition and that the discharge occurred at facilities under the control of the person causing the discharge or the licensee or was attributable to carriers or others for whom the licensee is responsible as provided in this subchapter.

Sec. 18. 38 MRSA § 552-A is enacted to read:

§ 552-A. Detention of vessels

Whenever there is probable cause to believe that a vessel has violated or been the means of a violation of this subchapter or any other law which the Department of Environmental Protection is responsible for administering or any rule, regulation or order of the board or any official of the department made thereunder, the vessel shall be detained in any port of the State until payment of any fine or penalty assessable under the law has been paid or secured to the satisfaction of the Attorney General. Any justice or judge of the Superior Court or the District Court may issue such orders as are necessary to carry out the purposes of this section.

Effective October 24, 1977

CHAPTER 376

AN ACT to Provide for the Study of Transportation and Electric Power Alternatives and to Compile Maine's Energy Statutes.

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

Sec. 1. 5 MRSA § 7, as last amended by PL 1973, c. 788, § 10, is further amended by inserting after the first paragraph the following new paragraph:

The Legislature finds that the energy crisis requires State Government to act as a leader in the conservation of energy. In order to achieve that end, it is necessary for the State to consume less energy, particularly in the area of transportation. The Legislature, therefore, declares it to be in the public interest that the fleet of new motor vehicles purchased for the travel of state employees meet the federal fleet mileage standards.

Sec. 2. 5 MRSA § 5005, sub-§ 1, ¶¶ J, K and L are enacted to read:

J. Provide conservation alternatives to proposed new electric power generating plants and render an account of the long-term and short-term energy savings realized by the conservation alternatives;

K. Study, in conjunction with the Department of Transportation, car pooling parking facilities throughout the State, determine the need for such facilities and report its findings and any necessary legislation to the Legislature; and

L. Compile a list of all the statutes pertaining to energy and energy conservation. The list shall include the Title and section affected and the content of each provision.

Effective October 24, 1977

CHAPTER 377

AN ACT to Enable Domestic Stock Insurance Companies to Acquire Minority Interests and to Insure That Minority Shareholders Receive Fair Value for Their Shares.

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

24-A MRSA § 3486 is enacted to read:

§ 3486. Plans for acquisition of minority interests in domestic stock insurance companies and appraisal of stock of dissenting shareholders

1. Any parent corporation directly or indirectly owning at least 95% of the aggregate issued and outstanding shares of all classes of voting stock of a domestic stock insurance company or any such domestic stock insurance company whose voting stock is so owned may, pursuant to a plan for acquisition of minority interests in such subsidiary, acquire all of its remaining issued and outstanding shares of voting stock, by exchange of stock, other securities, cash, other consideration or any combination thereof.