

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE
AT THE

SECOND REGULAR SESSION

January 4, 1978 to April 6, 1978

FIRST SPECIAL SESSION

(No laws enacted)

September 6, 1978 to September 15, 1978

SECOND SPECIAL SESSION

October 18, 1978

THIRD SPECIAL SESSION

December 6, 1978

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

K. J. Printing
Augusta, Maine
1979

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND EIGHTH LEGISLATURE
January 4, 1978 to April 6, 1978

health and safety; now, therefore,

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

Sec. 1. 5 MRSA § 9051, sub-§ 1, as enacted by PL 1977, c. 551, § 3, is amended to read:

1. **Adjudicatory proceeding.** In any adjudicatory proceeding, except those proceedings involving either correctional facilities, the **Industrial Accident Commission** or the State Parole Board, the procedures of this subchapter shall apply.

Sec. 2. 5 MRSA § 11001, sub-§ 1, first sentence, as enacted by PL 1977, c. 551, § 3, is amended to read:

Except where a statute provides for direct review or review of a **pro forma judicial decree** by the Supreme Judicial Court or to the extent judicial review is specifically limited by statute, any person who is aggrieved by final agency action shall be entitled to judicial review thereof in the Superior Court in the manner provided by this subchapter.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect July 1, 1978.

Effective July 1, 1978

CHAPTER 617

AN ACT to Provide for the Payment of Costs for Relocating Utility Facilities in an Urban Renewal Area.

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

Whereas, utilities are currently being required to absorb the costs of placing their facilities underground in urban renewal areas, which costs must be borne by all customers of the utility; and

Whereas, federal funds are available for the payment of these relocation costs; and

Whereas, the availability of the federal funds would prevent the undue hardship

of relocation costs being imposed on utility customers in this State, especially those who derive no benefit from the urban renewal areas; 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:

30 MRSA c. 239, sub-c III-C is enacted to read:

SUBCHAPTER III-C

RELOCATION OF UTILITY FACILITIES

§ 4881. Definitions

As used in this subchapter, unless the context otherwise indicates, the following words shall have the following meanings.

1. **Administering authority.** "Administering authority" shall mean an urban renewal authority, municipal officers or any other persons or organizations empowered by the provisions of subchapters III, III-A and III-B to implement an urban renewal plan, community development program or municipal development district plan.

2. **Development plan.** "Development plan" shall mean an urban renewal plan, community development program or municipal development district plan as defined and described in subchapters III, III-A and III-B.

§ 4882. Payment of costs of relocating utility facilities underground in an urban renewal area

1. **Relocating utility facilities; expenses.** Any public utility, as defined in Title 35, section 15, subsection 13, that is required to move or relocate its facilities from or in any traveled way because of the requirements of a development plan, as defined in section 4881, subsection 2, which is approved after the effective date of this Act pursuant to the procedures established for the approval of development plans shall not be required to install the relocated or any new facilities underground at its own expense, but shall be reimbursed from federal funds provided to implement these plans for the costs of placing utility facilities underground. The relocation costs subject to reimbursement shall not exceed the cost of underground installation less the cost of providing the same service with the same capacity through a new overhead system.

A. In determining the amount of reimbursement, in the first instance, the

public utility shall itemize for the administering authority of the development plan, the components of the utility's relocation costs and the cost of providing the same service with the same capacity through a new overhead system. In the event there is disagreement with respect to the reimbursement, the disagreement shall be submitted to the Public Utilities Commission which, after notice and hearings, shall determine the amount of the reimbursement.

B. The difference in costs, if any, between the underground and new overhead construction, shall qualify for reimbursement to the administering authority from the Federal Government to the fullest extent allowed by law. In the event that federal moneys are not available to refund a public utility for relocating its facilities as described in this section, the relocation costs shall be considered ordinary costs of business for rate-making purposes.

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

Effective February 23, 1978

CHAPTER 618

AN ACT to Amend Foreclosure Proceedings by Civil Action.

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

14 MRSA § 6322, as enacted by PL 1975, c. 552, § 5, is repealed and the following enacted in its place:

§ 6322. Hearing and judgment

After hearing, the court shall determine whether there has been a breach of condition in the plaintiff's mortgage, the amount due thereon including reasonable attorney's fees and court costs, and the order of priority and those amounts, if any, which may be due to those other parties which may appear.

If the court determines that such a breach exists, a judgment of foreclosure and sale shall issue providing that if the mortgagor, his successors, heirs and assigns do not pay the sum that the court adjudges to be due and payable, with interest within the period of redemption, the mortgagee shall proceed with a sale as provided. If the mortgagor, his successors, heirs and assigns pay to the mortgagee the sum that the court adjudges to be due and payable to the mortgagee with interest within the period of redemption, then the mortgagee shall forthwith discharge the mortgage and file a dismissal of the action for foreclosure with the