

MAINE STATE LEGISLATURE

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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.

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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

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14 MRSA § 6322, as enacted by PL 1975, c. 552, § 5, is repealed and the following enacted in its place: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

clerk of the court.

On mortgages executed prior to October 1, 1975, unless the mortgage contains language to the contrary, the period of redemption shall be one year from the date of the judgment. On mortgages executed on or after October 1, 1975, the period of redemption shall be 90 days from the date of the judgment.

Effective July 6, 1978

CHAPTER 619

AN ACT Relating to Preventive Discipline in the Schools.

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

20 MRSA § 918, is enacted to read:

§ 918. Civil liability

1. **Use of reasonable force.** A teacher or other person entrusted with the care or supervision of a person for special and limited purposes shall not be held civilly liable for the use of a reasonable degree of force against such person who creates a disturbance, when and to the extent that he reasonably believes it necessary to control the disturbing behavior or to remove a person from the scene of this disturbance.

2. **Exceptions.** Subsection 1 shall not apply to the purposeful or reckless use of force that creates a substantial risk of death, serious bodily injury or extraordinary pain.

3. **Affect on civil liability.** Nothing in this section shall enlarge or otherwise adversely affect the civil liability of a teacher or other person entrusted with the care or supervision of a person for special or limited purposes.

Effective July 6, 1978

CHAPTER 620

AN ACT Establishing Vision Test Requirements for Driver License Renewals.

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