

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
  
ONE HUNDRED AND ELEVENTH LEGISLATURE

**FIRST REGULAR SESSION**  
December 1, 1982 to June 24, 1983  
Chapters 1-452

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

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1983

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

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discretion, award the administrator his reasonable costs of investigation and reasonable attorneys' fees incurred in bringing the action. An action under this section and an action under section 6-113, subsection 17 may be brought jointly using a single complaint.

Sec. 12. 9-A MRSA §6-408, as amended by PL 1977, c. 694, §155-O, is repealed.

Sec. 13. 9-A MRSA §6-411, sub-§1, as enacted by PL 1973, c. 762, §1, is amended to read:

1. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence as applied in nonjury, civil cases in the Superior Court of this State shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under these rules, evidence not admissible thereunder may be admitted, except where precluded by statute, if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. Evidence is admissible if it is of a type commonly relied upon by reasonable persons in the conduct of serious affairs. The administrator shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form;

Effective September 23, 1983.

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## CHAPTER 213

S.P. 345 - L.D. 1019

AN ACT to Permit the Public Utilities  
Commission to Authorize a Management Audit  
of a Public Utility.

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

35 MRSA §18 is enacted to read:

§18. Management audit

The commission may require the performance of a management audit of the operations of any public utility in order to determine:

1. Construction programs. The degree to which a

public utility's construction program evidences planning adequate to identify realistic needs of its customers;

2. Conduct of operations. The degree to which a public utility's operations are conducted in an effective, prudent and efficient manner judged by the standards prevailing in the utility industry;

3. Minimizing or avoiding inefficiencies. The degree to which a public utility minimizes or avoids inefficiencies which otherwise would increase costs to customers; or

4. Other considerations. Any other consideration which the commission finds relevant to rate setting under chapter 3, sections 51 and 52.

The commission shall have discretion to have a management audit performed by an independent auditor. In the event that the commission finds it reasonable and necessary to have the audit performed, it may select the independent auditor, require a public utility to pay for the costs of a management audit of its operations and require the public utility to execute a contract with the independent auditor.

The full cost of the management audit shall be recovered from ratepayers. In ordering an audit, the commission shall consider the impact of the cost of the audit upon ratepayers and other alternatives that are available.

Effective September 23, 1983.

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## CHAPTER 214

S.P. 480 - L.D. 1446

AN ACT to Improve and Clarify the Rate-setting Procedures for Municipal and Quasi-municipal Water Companies.

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

Sec. 1. 35 MRSA §72, as repealed and replaced by PL 1981, c. 438, §4, is amended to read:

§72. Municipal and quasi-municipal water companies

Notwithstanding section 69, municipal and