

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
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and reasonable rates for state ratepayers; and

Whereas, these funds must be assessed by May 1, 1987, in order to be available in fiscal year 1987-88; 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:

Sec. 1. 35 MRSA §17, sub-§1, as amended by PL 1985, c. 618, §6, is further amended to read:

1. Utilities subject to assessments. Every electric, gas, telegraph, telephone and water utility subject to regulation by the commission and every water carrier subject to the jurisdiction of the commission pursuant to Private and Special Act of the Legislature shall be subject to an assessment of not more than .25% on its intrastate gross operating revenues to produce no more than ~~\$2,079,000~~ \$2,219,000 in revenues annually beginning in the ~~1986-87~~ 1987-88 fiscal year and not more than ~~\$2,309,000~~ in revenues annually beginning in the 1988-89 fiscal year. The commission shall determine the assessments annually prior to May 1st and shall assess each utility for its pro rata share. Each utility shall pay the assessment charged to the utility on or before July 1st of each year. Any increase in the assessment that becomes effective subsequent to May 1st may be billed on the effective date of the Act authorizing the increase.

A. The assessments charged to utilities under this section shall be deemed just and reasonable operating costs for rate-making purposes.

B. For the purposes of this section, intrastate gross operating revenues means intrastate revenues derived from filed rates, except revenues derived from sales for resale.

C. Gas utilities subject to the jurisdiction of the commission solely with respect to safety shall not be subject to any assessment until such time as the commission has reviewed the scope and cost of ~~such~~ that jurisdiction and an assessment or fee structure is authorized by the Legislature.

D. The commission may at its discretion correct any errors in the assessments by means of a credit or debit to the following year's assessment rather than reassessing all utilities in the current year.

Sec. 2. **Allocation.** Income not otherwise allocated from the Public Utilities Commission Regulatory Fund is allocated for the fiscal years ending June 30, 1988, and June 30, 1989, and shall be segregated, apportioned and disbursed as designated in the following schedule:

1987-88 1988-89

PUBLIC UTILITIES COMMISSION

Regulatory Fund

All Other	\$140,000	\$230,000
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Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 9, 1987.

CHAPTER 38

H.P. 271 — L.D. 354

AN ACT Relating to the Amount of Civil Penal Damages to be Awarded in Cases of Unlawful Discrimination.

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

5 MRSA §4613, sub-§2, ¶B, as amended by PL 1981, c. 470, Pt. A, §7, is further amended to read:

B. If the court finds that unlawful discrimination occurred, its judgment shall specify an appropriate remedy or remedies therefor. Such remedies may include, but are not limited to:

- (1) An order to cease and desist from the unlawful practices specified in the order;
- (2) An order to employ or reinstate a victim of unlawful employment discrimination, with or without back pay;
- (3) An order to accept or reinstate such a person in a union;
- (4) An order to rent or sell a specified housing accommodation, or one substantially identical thereto if controlled by the respondent, to a victim of unlawful housing discrimination;
- (5) An order requiring the disclosure of the locations and descriptions of all housing accommodations which the violator has the right to sell, rent, lease or manage; and further, forbidding the sale, rental or lease of any such housing accommodations until the violator has given security to assure his compliance with any order entered against him and with all provisions of this Act. Such an order may continue the court's jurisdiction until the violator has demonstrated compliance, and may defer decision on some or all relief until after a probationary period and a further hearing on the violator's conduct during such period;

(6) An order to pay in cases of unlawful price discrimination the victim thereof 3 times the amount of any excessive price demanded and paid by reason of such unlawful discrimination; and

(7) An order to pay to the complainant civil penal damages not in excess of ~~\$500~~ \$1,000 in the case of the first order under this Act against the respondent, not in excess of ~~\$1,000~~ \$2,000 in the case of a 2nd such order against the respondent, and not in excess of ~~\$2,000~~ \$3,000 in the case of a 3rd or subsequent such order against the respondent; and

Effective September 29, 1987.

CHAPTER 39

H.P. 318 — L.D. 417

AN ACT to Grant Judges the Authority to Stay a License Suspension for a Period of Time not to Exceed 4 Hours.

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

29 MRSA §2241-H, first ¶, as amended by PL 1981, c. 679, §45, is further amended to read:

In the case of any conviction or adjudication under former section 1312, subsection 10, section 1312-B, 1312-C, 1314 or for any offense for which the suspension of a license or the right to operate a motor vehicle or the right to apply for or obtain a license is required by law or in any case in which the court suspends a license under section 2305, the court shall inform the defendant of the suspension and the defendant shall acknowledge this notice in writing on a form to be provided by the court. The court, as part of its sentence, unless the defendant appeals and a stay of execution of the suspension is granted, shall take any license certificate issued by this State from the person convicted or adjudicated or any license certificate issued by another state, foreign country or province from the person convicted or adjudicated if that person is residing, domiciled or employed in this State. The court, as part of its sentence, unless the defendant appeals and a stay of execution of the suspension is granted, may take from the person convicted or adjudicated any license certificate issued by another state or foreign country or province if the person is not residing, domiciled or employed in this State. At sentencing, the court, upon reasonable cause shown, may stay the suspension of the license or a right to operate a motor vehicle for a period not to exceed 4 hours from the time of sentencing. The court may issue such evidence of that stay as it deems necessary. The court shall forward the license certificate, a copy of the sentence and the acknowledgment of notice by mail to the Secretary of State.

Effective September 29, 1987.

CHAPTER 40

S.P. 106 — L.D. 279

AN ACT to Clarify the Law Regarding Expedited Charter Conversions, Mergers and Consolidations.

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

Sec. 1. 9-B MRSA §345-A, as enacted by PL 1981, c. 539, §1, is amended to read:

§345-A. Authority for expedited charter conversions

Notwithstanding any other provision of law, or any charter, certificate of organization, articles of association, articles of incorporation, or bylaw of any participating institution, when a charter conversion is approved by the directors of a financial institution authorized to do business in this State as a component of a plan of merger or consolidation or acquisition with another financial institution authorized to do business in this State or financial institution holding company, regardless of this institution's or holding company's domicile and following compliance with all applicable requirements of federal law, if any, the superintendent may order that the charter conversion become effective immediately. The superintendent may take such action if he believes that it is necessary for the protection of depositors, shareholders or the public. Any person aggrieved by a charter conversion executed pursuant to this section shall be entitled to judicial review of the superintendent's order in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter VII.

Sec. 2. 9-B MRSA §355-A is enacted to read:

§355-A. Authority for expedited acquisitions

Notwithstanding any other provision of law, or any charter, certificate of organization, articles of association, articles of incorporation or bylaw of any participating institution, following approval of a plan of acquisition of assets and an assumption of liabilities by a majority vote of the boards of directors acquiring or assuming financial institution or financial institution holding company and the transferring institution and upon receipt by the superintendent of certified copies of the authorizing resolutions adopted by the respective boards of directors, the superintendent may order that the acquisition of assets and assumption of liabilities become effective immediately if he believes that the action is necessary for the protection of depositors, shareholders or the public. Any person aggrieved by an acquisition of assets and assumption of liabilities pursuant to this section shall be entitled to judicial review of the superintendent's order in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter VII.