

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fourth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with the Revised Statutes of 1964, Title 3, Section 164, Subsection 6.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1969

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
ONE HUNDRED AND FOURTH LEGISLATURE
1969

Chapter 38

AN ACT Providing Preservice and In-Service Educational Activities for Teachers of General Adult Education.

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

R. S., T. 20, § 2404, amended. The first paragraph of section 2404 of Title 20 of the Revised Statutes, as amended, is further amended by adding at the end, a new sentence, to read as follows:

The commissioner may provide preservice and in-service education activities for teachers in general adult education using not more than 5% of the funds appropriated for reimbursement to administrative units for evening schools, day schools, classes and educational activities for adults.

Effective October 1, 1969

Chapter 39

AN ACT to Repeal Certain Bag Limits on White Perch.

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

R. S., T. 12, § 2553, amended. The 4th paragraph of section 2553 of Title 12 of the Revised Statutes is repealed as follows:

~~No person shall take, kill or have in possession more than 25 white perch taken from the waters of Kennebec and Somerset Counties and Boyd Lake in Piscataquis County except as provided by rules and regulations of the department under section 1960.~~

Effective October 1, 1969

Chapter 40

AN ACT Relating to Remedies Against Gas Companies and Natural Gas Pipeline Companies for Violations of the Public Utilities Law.

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

Sec. 1. R. S., T. 35, § 357, amended. The first sentence of section 357 of Title 35 of the Revised Statutes is amended to read as follows:

If any public utility shall willfully violate any provision of chapters 1 to 17 or shall do any act ~~herein~~ therein prohibited or shall fail or refuse to perform any duty enjoined upon it for which a penalty has not been provided or shall fail or refuse to obey any lawful requirement or order made by the commission, for any such violation, failure or refusal such public utility shall forfeit and pay into the State Treasury not more than \$1,000 for each offense, to be recovered in a civil action in the name of the State.

Sec. 2. R. S., T. 35, §§ 358-359, additional. Title 35 of the Revised Statutes is amended by adding 2 new sections, 358 and 359, to read as follows:

§ 358. Injunctive relief against gas companies or natural gas pipeline companies

Any gas company or natural gas pipeline company, operating or acting in violation of any statute or rule, regulation or order of the commission, may be restrained and enjoined from such operation or action upon complaint addressed to the Superior Court and brought by the commission. Whenever practicable, the commission shall give notice to any gas company or natural gas pipeline company against whom an action for injunctive relief is contemplated and afford it an opportunity to present its views, and, except in the case of a knowing and willful violation, shall afford it reasonable opportunity to achieve compliance. Failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief.

§ 359. Civil penalty for gas companies or natural gas pipeline companies

Any gas company or any natural gas pipeline company that violates any provision of chapters 1 to 17 or chapter 181, relating to safety of pipeline facilities or transportation of gas or of any regulation issued thereunder, shall be subject to a civil penalty of not to exceed \$1,000 for each violation for each day that the violation persists. However, the maximum civil penalty shall not exceed \$200,000 for any related series of violations.

Any civil penalty may be compromised by the commission. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of the penalty to the size of the business of the gas company or natural gas pipeline company charged, the gravity of the violation, and the good faith of the gas company or natural gas pipeline company charged in attempting to achieve compliance, after notification of a violation, shall be considered. The amount of the penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the State to the gas company or natural gas pipeline company charged or may be recovered in a civil action in the state courts.

Effective October 1, 1969

Chapter 41

AN ACT Clarifying Certain Milk and Milk Products Laws.

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

Sec. 1. R. S., T. 7, § 2901, sub-§ 28, amended. Subsection 28 of section 2901 of Title 7 of the Revised Statutes is amended to read as follows:

28. **Skim milk.** Skim milk means milk which contains less than ~~3.25%~~ 0.5% milk fat. The standard plate count of pasteurized skim milk shall not be more than 50,000 colonies of bacteria per ~~ml~~ milliliter.