

# MAINE STATE LEGISLATURE

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ACTS, RESOLVES AND CONSTITUTIONAL RESOLUTIONS

AS PASSED BY THE

One Hundred and Sixth 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.

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THE KNOWLTON AND McLEARY COMPANY  
FARMINGTON, MAINE  
1973

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PUBLIC LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE  
One Hundred and Sixth Legislature

1973

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Whoever violates or fails to comply with this section shall be punished by a fine of not more than \$100 or by imprisonment for not more than 90 days, or by both.

#### § 2595. Solicitation

It shall be unlawful for any person, firm, partnership, company or corporation to solicit eye examinations or visual services, or to advertise the sale of eyeglasses, spectacles, lenses, frames, mountings, prisms or any other optical appliances or devices commonly included in the prescription of optometrists or physicians by newspaper, radio, window display, television, telephone directory display advertisement or any other means of advertisement; or to use any method or means of baiting, persuading or enticing the public into buying eyeglasses, spectacles, lenses, frames, mountings, prisms or other optical appliances or devices for visual correction. This section shall not render any advertising media liable for publishing any advertising furnished them by a vendor of said commodity or material; nor shall anything in this section prevent ethical educational publicity or advertising by legally qualified health groups that does not violate presently existing laws of Maine, nor prevent the proper use of ethical professional notices. Nothing in this section shall prohibit the advertisement or sale of sunglasses equipped with non-prescriptive lenses, industrial glasses or goggles with nonprescriptive lenses used for industrial eye protection, when sold as merchandise at any established place of business and when the selection of these is at the discretion of the purchaser.

The term "window display" as used in this section shall not prevent the display of ophthalmic frames in windows.

This section is passed in the interest of public health, safety and welfare, and its provisions shall be literally construed to carry out its objects and purposes.

Whoever violates any provision of this section shall be punished for the first offense by a fine of not less than \$50 nor more than \$200, or by imprisonment for not more than 3 months, or by both, or for a subsequent offense, by a fine of not less than \$200 nor more than \$500, or by imprisonment for not less than 3 months, nor more than 6 months, or by both.

Sec. 2. R. S., T. 32, c. 35, repealed. Chapter 35 of Title 32 of the Revised Statutes, as amended, is repealed.

Effective October 3, 1973

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## CHAPTER 475

### AN ACT Relating to Public Utilities Commission Rate Regulation for Carriers of Freight.

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

Whereas, existing statutory procedure for processing motor carrier requested rate increases permits and requires that said rate increases become

effective 30 days after filing with the Public Utilities Commission subject to refund to the extent the commission finds said increases excessive; and

Whereas, such procedure has been demonstrated to result in unnecessary costs, confusion and certain inequities when a refund is required; and

Whereas, it is the considered judgment of the Legislature that such procedure should be modified to allow the Public Utilities Commission to suspend said proposed increases for a period of 120 days during which time the commission processes the case and thereby eliminating the requirement of a refund; and

Whereas, it appears that the motor carrier industry is about to request a rate increase; and

Whereas, it is the judgment of the Legislature that such rate increase be processed pursuant to the procedure herein established as opposed to the procedure which presently exists; 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. R. S., T. 35, § 1553, amended.** The last sentence of section 1553 of Title 35 of the Revised Statutes is amended to read as follows:

Such person, firm or corporation and the service rendered or furnished shall be included under the general supervision and regulation of the commission and shall be subject to its jurisdiction and control in the same manner and to the same extent as service performed by other persons, firms or corporations engaged in the transportation of freight or merchandise as common carriers for hire, as provided in said chapters, except that sections 52, 69, 70 and 171 to 211 shall not so apply.

**Sec. 2. R. S., T. 35, § 1554, amended.** Section 1554 of Title 35 of the Revised Statutes, as amended by chapter 392 of the public laws of 1967, is further amended by adding after the first sentence, new sentences to read as follows:

The commission may at any time before the effective date of such schedule, by delivering notice thereof to the agency filing such schedule and to the common carriers affected thereby, suspend the operation of such schedule or any part thereof, but not for a longer period than 120 days from the date of filing such schedule. The commission may, on its own motion or on complaint by an interested party, after notice and hearing, allow or disallow, alter or prescribe such rates. Whenever the commission receives notice of any change or changes in a schedule or schedules which it determines to be a general rate increase, within 14 days thereafter it shall give such public notice, or require the carrier by whom such change is proposed to be made to give such public notice, of such changes as the commission deems necessary. For purposes of this section, a determination by the commission that any change is or is not a general rate increase is final and not subject to review.

Sec. 3. R. S., T. 35, § 1554, amended. Section 1554 of Title 35 of the Revised Statutes, as amended by chapter 392 of the public laws of 1967, is further amended by adding after the 6th sentence 2 new sentences to read as follows:

Whenever any carrier shall file with the commission and with the Interstate Commerce Commission, a tariff containing both intrastate rates and interstate rates on the same commodity, and prior to the effective date thereof the interstate rates are suspended by the Interstate Commerce Commission, then the commission shall have power to suspend, at any time within 10 days after the date of the suspension order issued by the Interstate Commerce Commission, the proposed intrastate rates, and such suspension may be kept in full force and effect so long as the interstate rates shall continue under suspension with a reasonable time thereafter for preparation of and issue of decision. The commission may, with the consent of the Governor and Council, hold joint hearings with the Interstate Commerce Commission with respect to the relationship between rate structures and practices of carriers subject to the jurisdiction of the commission and the Interstate Commerce Commission, in accord with the Act to Regulate Commerce, and applicable amendments.

Sec. 4. R. S., T. 35, § 1554, amended. The 7th and 8th sentences of section 1554 of Title 35 of the Revised Statutes are amended to read as follows:

~~Such rates~~ Any rate schedule or schedules which are the subject of this section shall be just and reasonable. Such schedule or schedules shall be subject to the approval of the commission. At any hearing involving such rate schedule or schedules or change therein, the burden of proof to show that such change is reasonable shall be upon the common carrier.

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

Effective June 8, 1973

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## CHAPTER 476

### AN ACT Providing that Public Utility Construction Contracts be Awarded by Competitive Bidding.

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

Sec. 1. R. S., T. 35, § 14-A, additional. Title 35 of the Revised Statutes is amended by adding a new section 14-A, to read as follows:

#### § 14-A. Competitive bids

Any contract in excess of \$2,000 between a public utility and a contractor for the construction of facilities located on private property for the exclusive use of a private individual and for which the private individual is required to pay the total cost directly to the utility, shall be awarded by a system of competitive bidding. Unless there are valid reasons to the contrary, the contracts shall be awarded to the lowest responsible bidder.