

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature
1ST SPECIAL SESSION
JANUARY 2, 1974 TO MARCH 29, 1974
AND BY THE
One Hundred and Seventh Legislature
REGULAR SESSION
JANUARY 1, 1975 TO JULY 2, 1975

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
1975

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Sixth Legislature

AT THE
SPECIAL SESSION

January 2, 1974

to

March 29, 1974

§ 9-A. Power to prescribe rules of evidence

The Supreme Judicial Court shall have the power and authority to prescribe, repeal, add to, amend or modify rules of evidence with respect to any and all civil actions or other proceedings, and any and all proceedings in criminal cases before complaint justices, District Courts, probate courts, Superior Courts and the Supreme Judicial Court.

Such rules shall take effect on such date not less than 6 months after their promulgation as the Supreme Judicial Court may set. After their promulgation, the Supreme Judicial Court may repeal, amend, modify or add to such rules from time to time without a waiting period. After the effective date of said rules as promulgated or amended, all laws in conflict therewith shall be of no further force or effect.

Effective June 28, 1974

CHAPTER 676

AN ACT to Provide for Continuation of Service by Cable Television Systems, to Facilitate Compliance with Federal Communications Commission Regulations and to Fix Liability for Cable Television Programming.

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

Sec. 1. R. S., T. 30, § 1901, sub-§§ 1-B and 1-C, additional. Section 1901 of Title 30 of the Revised Statutes, as amended, is further amended by adding 2 new subsections 1-B and 1-C, to read as follows:

1-B. Cable television company. "Cable television company" means any person, firm or corporation owning, controlling, operating, managing or leasing a cable television system within the State.

1-C. Cable television system. "Cable television system" means any facility that, in whole or in part, receives directly, or indirectly over the air, and amplifies or otherwise modifies the signals transmitting programs broadcast by one or more television or radio stations and distributes such signals by wire or cable to subscribing members of the public who pay for such service, but such term shall not include any such facility that serves fewer than 50 subscribers, or any such facility that serves only the residents of one or more apartment dwellings under common ownership, control or management, and commercial establishments located on the premises of such apartment dwellings.

Sec. 2. R. S., T. 30, § 2151, sub-§ 2, ¶ H, amended. Paragraph H of subsection 2 of section 2151 of Title 30 of the Revised Statutes, as amended, is further amended to read as follows:

H. The municipal officers may contract on such terms and conditions and impose such fees, as are in the best interests of the municipality, including the grant of an exclusive franchise for a period not to exceed 10 years, for the placing and maintenance of ~~community antennae~~ cable television systems and appurtenances or parts thereof, along public ways and including

contracts with ~~operators of such systems~~ cable television companies which receive the services of television signal transmission offered by any public utilities using public ways for such transmission. **Any cable television system so franchised shall be constructed and operated in accordance with Federal Communications Commission regulations.** No public utility shall be required to contract with the municipal officers pursuant to this paragraph. Systems located in accordance with such ordinances and contracts are not defects in public ways.

The municipal officers may establish such charges as are necessary to defray the costs of public notice, advertising and the expenses of hearings relating to applications for a contract, but in no case to exceed \$25 per applicant.

~~Any person, firm or corporation~~ cable television company holding a permit to ~~maintain~~ provide a ~~community antennae~~ cable television system, issued prior to July 1, 1965, shall not be required to comply with this paragraph, **except that construction and operation of such system shall accord with Federal Communications Commission regulations;** provided ~~however~~ that any such permit holder whose system shall not be in operation on or before July 1, 1966 shall be required to comply with this paragraph and the original permit shall be null and void, provided further that cases in litigation on July 1, 1965 shall not be required to be in operation prior to July 1, 1967. A municipality shall be entitled to injunctive relief in addition to any other remedies available by law to protect any rights conferred upon the municipality by this section or any ordinances enacted under the authority of this section.

The municipal officers of towns shall have exclusive power to enact all ordinances authorized by this ~~subsection~~ paragraph. Seven days' notice of the meeting at which said ordinances are to be proposed shall be given in the manner provided for town meetings, and such ordinances shall be effective immediately.

~~Any person, firm or corporation~~ cable television company which is ~~furnishing community antennae~~ providing a cable television ~~service~~ system in any municipality prior to June 1, 1967, shall not be required to comply with this paragraph, **except that construction and operation of such system shall accord with Federal Communications Commission regulations.** This paragraph shall not apply to or affect the rights of parties to litigation pending in court on June 1, 1967, and the rights of such parties shall be determined by such litigation;

Sec. 3. R. S., T. 30, § 2151, sub-§ 2, ¶ I, additional. Subsection 2 of section 2151 of Title 30 of the Revised Statutes, as amended, is further amended by adding a new paragraph I to read as follows:

I. No cable television company, notwithstanding any provision in a franchise, shall abandon service or portion thereof without having given 6 months' prior written notice to the franchising municipality, if any, and to the municipalities affected by such abandonment. When abandonment of any service is prohibited by a municipal franchise, no cable television company may abandon such service without written consent of the municipal officers. Any cable television company which violates the provisions of this paragraph shall be subject to a fine of \$50 a day for each and every day that said violation continues.

Neither the cable television company whose facilities are used to transmit a program produced by a person other than such cable television company pursuant to Federal Communications Commission regulations or municipal ordinance, nor the officers, directors or employees of any such cable television company, shall be liable for damages arising from any obscene or defamatory statements or actions or invasion of privacy occurring during any program when such company does not originate or produce such program.

Effective June 28, 1974

CHAPTER 677

AN ACT Correcting Ambiguities in the Statutes Relating to the Maine Guarantee Authority.

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

Whereas, the Legislature has heretofore enacted legislation pertaining to community industrial buildings which has not been implemented because of ambiguities in the existing statutes; 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. 10, § 672, sub-§ 4, amended. Subsection 4 of section 672 of Title 10 of the Revised Statutes, as enacted by section 26 of chapter 633 of the public laws of 1973, is amended by adding at the end the following new sentence:

A municipality shall be authorized to create a local development corporation for purposes of carrying out the intent of this chapter by majority vote of the municipal officers, and a majority of the municipal officers shall be sufficient to form such a local development corporation notwithstanding any provision of Title 13, chapter 81 to the contrary.

Sec. 2. R. S., T. 10, § 676, sub-§ 5, amended. Subsection 5 of section 676 of Title 10 of the Revised Statutes, as enacted by section 26 of chapter 633 of the public laws of 1973, is amended to read as follows:

5. Project plans comply with applicable zoning, planning and sanitary regulations in the municipality where it is to be located ~~and also meets with standards established by the Department of Environmental Protection as set forth in Title 38;~~ and, in any event no loan shall be approved and no certificate of approval shall be issued until the Department of Environmental Protection has certified to the authority that all licenses required from the department with respect to the project have been issued or that none are re-