

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 Seventh Legislature

1975

CHAPTER 377**AN ACT to Clarify the Estimated Premium Tax Law.**

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

36 MRSA § 2521-A, first 3 ¶¶, as enacted by PL 1973, c. 727, § 11, are repealed and the following enacted in place thereof:

Every insurance company, association or attorney-in-fact of a reciprocal insurer subject to tax as imposed by this chapter shall on or before the last day of each April, July and October file with the State Tax Assessor on forms prescribed by said State Tax Assessor a return for the quarter ending the last day of the preceding month. These returns may be on an estimated basis, provided that each installment equals at least 25% of the total tax paid for the preceding calendar year or 25% of the total tax to be paid for the current calendar year. An authorized company official shall affirm which elective is selected. Such elective cannot be changed during the current calendar year. The final return shall be filed on or before March 15th covering the prior calendar year.

At the time of filing such returns each insurance company, association or attorney-in-fact of a reciprocal insurer shall pay to the State Tax Assessor the amount of tax shown due and the State Tax Assessor shall pay over all receipts daily to the Treasurer of State. Any insurance company, association or attorney-in-fact of a reciprocal insurer who neglects to make returns or pay the amount of tax shown due shall be liable to a penalty of \$5 a day for each day in arrears or $\frac{1}{2}$ of 1% of tax liability, whichever is greater, together with interest at the rate of 1% per month or fraction thereof due on demand by the State Tax Assessor, and recoverable in a civil action. The State Tax Assessor may waive penalty for cause.

Any insurance company, association or attorney-in-fact of a reciprocal insurer which elects to pay estimated tax on the preceding year's liability but fails to pay such amount for the quarter shall be liable to a penalty of 25% of the understated amount. Any insurance company, association or attorney-in-fact of a reciprocal insurer which elects to pay tax on the current year basis who at the time of filing the final return understated reported liability by more than 20% shall be liable to a penalty of 25% of such understated liability. The foregoing penalties shall be due on demand by the State Tax Assessor, who may waive penalty for cause, and such penalties shall be recoverable in a civil action.

Effective October 1, 1975

CHAPTER 378**AN ACT Relating to Utility Deposit Practices.**

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

35 MRSA § 105 is enacted to read:

§ 105. Utility deposits

No public utility shall require any deposit of any residential customer without proof that the customer is likely to be a credit risk or to damage the

property of the utility. Such proof shall be furnished to the customer upon request. Absence of previous experience with the utility shall not be proof that the customer is a credit risk or threatens to damage utility property.

Effective October 1, 1975

CHAPTER 379

AN ACT Amending the Coastal Conveyance of Petroleum Act.

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

Sec. 1. 38 MRSA § 551, sub-§ 4, ¶ A, 1st sentence, as last amended by PL 1971, c. 618, § 12, is further amended to read:

Annual license fees shall be determined on the basis of $\frac{1}{2}$ cent per barrel of oil, petroleum products or their by-products transferred by the applicant during the licensing period and shall be paid monthly on the basis of records certified to the board, provided, however, that during such time as any bonds issued pursuant to the private and special laws of 1969, chapter 239 shall remain outstanding and funds made available for interest and debt retirement shall be inadequate for such purpose, such license fee shall be determined on the basis of $\frac{3}{4}$ cent per barrel.

Sec. 2. 38 MRSA § 551, sub-§ 4, ¶ B, as enacted by PL 1969, c. 572, § 1, is amended to read:

B. Whenever the balance in the fund has reached the limit provided under this subchapter, license fees shall be proportionately reduced to cover only administrative expenses and sums allocated to research and development, provided, however, that such license fees shall continue without reduction during such time as any bonds issued pursuant to the private and special laws of 1969, chapter 239 shall remain outstanding and funds made available for interest and debt retirement thereunder shall be inadequate for such purpose. All sums received by the commission when the balance in the fund has reached the limit provided under this subchapter shall, after deduction of administrative expenses and sums allocated to research and development, promptly be remitted to the Treasurer of State to be held distinct from all other moneys of the State for the payment of interest and debt retirement pursuant to the private and special laws of 1969, chapter 239, section 5.

Sec. 3. 38 MRSA § 551, sub-§ 5, ¶ G is enacted to read:

G. Payments to Treasurer of State pursuant to subsection 4, paragraph B.

Effective October 1, 1975