

# MAINE STATE LEGISLATURE

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LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 164, SUBSECTION 6.

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PORTLAND LITHOGRAPH COMPANY  
PORTLAND, MAINE  
1977

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PUBLIC LAWS  
OF THE  
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Sec. 53. 38 MRSA § 1304, sub-§ 1, first ¶, last sentence, as last amended by PL 1975, c. 577, is repealed.

Sec. 54. 38 MRSA § 1307, as enacted by PL 1973, c. 387, is repealed.

Effective October 24, 1977

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## CHAPTER 301

### AN ACT to Regulate the Placing by Nonutilities of Electric Utility Facilities within Public Ways.

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

Sec. 1. 23 MRSA § 3026, 2nd ¶, as enacted by PL 1975, c. 711, § 8, is amended by inserting at the end the following new sentence to read:

For purposes of this section, the words "public easement" shall include, without limitation, an easement for public utility facilities necessary to provide service.

Sec. 2. 35 MRSA § 2344 is amended by adding at the end the following new paragraph and subsections:

No person, firm, company or association except a public utility engaged in the business of the transmission or distribution of electricity shall construct and maintain its lines with poles or other structures carrying electricity in, upon, along or under the roads, streets and public ways maintained by any city or town unless, in addition to meeting the requirements of section 2483, the applicable licensing authority finds that:

1. Compliance; National Electric Safety Code. Construction and maintenance of the line will comply with all applicable provisions of the National Electric Safety Code and the standard requirements of the utility from whom the owner proposes to take service;

2. Posting surety bonds. The applicant has posted with the licensing authority a surety bond in an amount sufficient to:

A. Protect the public from claims, demands and actions arising out of improper construction or maintenance of the line and unsafe conditions thereon; and

B. Insure that the owner of the line, and his successors and assigns, will continue to properly maintain and repair the line and protect the public from harm.

This section shall not apply to state and state-aid highways maintained by the State.

3. Duplication. The Maine Public Utilities Commission has found that the line will not constitute a duplication of electric facilities.

Sec. 3. 35 MRSA § 2347-A, as enacted by PL 1965, c. 270, § 2, is amended to read:

§ 2347-A. Discontinuance of public ways

In proceedings for the discontinuance of public ways, such public ways may be discontinued in whole or in part. The discontinuance of a town way shall be presumed to relegate the town way to the status of a private way unless the town meeting article shall specifically state otherwise pursuant to the provisions of Title 23, section 3026. Unless an order discontinuing the same shall specifically otherwise provide, the public easement provided for in Title 23, section 3026 shall include an easement for public utility facilities, and a utility may continue to maintain, repair and replace its installations within the limits of such way for a period not exceeding 3 years from the date of discontinuance or may thereafter construct and maintain new facilities within the limits of the discontinued way, if being used for travel by motor vehicles, in order to provide utility service, upon compliance with the provisions of sections 2483 through 2486.

Effective October 24, 1977

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## CHAPTER 302

### AN ACT Concerning Unfair Trade Practices of Financial Institutions.

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

9-B MRSA § 241, sub-§ 1, ¶ D is enacted to read:

D. Whenever the superintendent has reason to believe that any financial institution authorized to do business in this State or any credit union authorized to do business in this State is using or is about to use any method, act or practice in violation of section 231 and that proceedings would be in the public interest, he may bring an action in the name of the State against such entity to restrain by temporary or permanent injunction the use of such method, act or practice and the court may make such other orders or judgments as may be necessary to restore to any person who has suffered any ascertainable loss by reason of the use or employment of such unlawful method, act or practice, any moneys or property, real or personal, which may have been acquired by means of such method, act or practice. At least 10 days prior to commencement of any action under this section, the superintendent shall notify the entity of his intended action, and give the entity the opportunity to confer with the superintendent in person or by counsel or other representative as to the proposed action. Notice shall be given the entity by mail, postage prepaid, sent to their usual place of business. The superintendent may proceed without notice as required by this section upon