

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

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

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Augusta, Maine  
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**PUBLIC LAWS**  
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Sec. 4. 35 MRSA § 13-A, last sentence, as enacted by PL 1971, c. 476, § 1, is repealed and the following enacted in its place:

The commission may approve or disapprove all or portions of the proposed transmission line, and shall make such orders regarding its character, size, installation and maintenance as are necessary, having regard for any increased costs thereby caused.

Sec. 5. 35 MRSA § 13-A, as amended by PL 1977, c. 374, § 1, is further amended by adding at the end 2 new paragraphs to read:

In the event that the commission has issued a certificate of public convenience and necessity for the transmission or generating facilities proposed and the Board of Environmental Protection in an order under Title 38, Section 484, makes any modification in the location, size, character or design of the facilities, the company or companies shall deliver a copy of the order to the commission and shall state the nature of the modifications and all cost adjustments occasioned thereby to the cost of the proposed facilities relied upon by the commission in issuing its certificate of public convenience and necessity under this section.

If the cost adjustments specified herein exceed the cost relied upon by the commission in the original proceeding under this section by more than 20% of the original cost, the company or companies shall not proceed with any construction of the proposed facilities, the commission's original certificate of public convenience and necessity notwithstanding. The commission, upon notification of the cost increase, shall reopen its original decision concerning the facilities and shall make specific findings with regard to the need for the facilities to the same extent and with the same authority as if the company's or companies' petition for approval were before it. Except as modified herein, the commission shall retain all authority granted to it under section 306.

Effective September 14, 1979

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## CHAPTER 266

H. P. 365 — L. D. 473

AN ACT Regulating Business Practices Between Motion Picture Distributors and Exhibitors.

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

10 MRSA c. 315 is enacted to read:

## CHAPTER 315

REGULATION OF BUSINESS PRACTICES BETWEEN  
MOTION PICTURE DISTRIBUTORS AND EXHIBITORS

§ 1901. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms shall have the following meanings.

1. Bid. "Bid" means a written offer or proposal by an exhibitor to a distributor, in response to an "invitation to bid," stating the terms under which the exhibitor will agree to exhibit a motion picture.

2. Blind bidding. "Blind bidding" means the solicitation of bidding for, solicitation of negotiation for, or solicitations of offers for or agreeing to terms for the licensing or exhibition of a motion picture if the motion picture has not been trade screened.

3. Distributor. "Distributor" means any person engaged in the business of distributing or supplying motion pictures to exhibitors by rental, sale or licensing.

4. Exhibit or exhibition. "Exhibit" or "exhibition" means showing a motion picture to the public for a charge.

5. Exhibitor. "Exhibitor" means any person engaged in the business of operating one or more theaters.

6. Invitation to bid. "Invitation to bid" means a written solicitation or invitation by a distributor to one or more exhibitors to bid for the right to exhibit a motion picture.

7. License agreement. "License agreement" means any contract agreement, understanding or condition between a distributor and an exhibitor relating to the licensing or exhibition of a motion picture by the exhibitor.

8. Person. "Person" includes one or more individuals, partnerships, associates, societies, trust or corporations.

9. Run. "Run" means the continuous exhibition of a motion picture in a defined geographic area for a specified period of time.

A "first run" is the first exhibition of a picture in the designated area, a "second run" is the second exhibition and "subsequent runs" are subsequent exhibitions after the second run.

"Exclusive run" is any run limited to a single theater in a defined geographic area and a "nonexclusive run" is any run in more than one theater in a defined geographic area.

10. Theater. "Theater" means any establishment in which motion pictures are exhibited to the public regularly for a charge.

11. Trade screening. "Trade screening" means the showing of a motion picture by a distributor at some location within the metropolitan area in which is located a distributor's sales or film distributing facility serving the theater, which is open to any exhibitor interested in exhibiting the motion picture.

#### § 1902. Blind bidding

1. Prohibition. Blind bidding is hereby prohibited within the State. No bids shall be returnable, no negotiations for the exhibition or licensing of a motion picture shall take place and no license agreement or any of its terms shall be agreed to for the exhibition of any motion picture within the State before the motion picture has been trade screened.

2. Information to be included in bid. A distributor shall include in each invitation to bid for a motion picture for exhibition within the State, if that motion picture has not already been trade screened, the date, time and place of the trade screening of the motion picture.

3. Notice to exhibitors. A distributor shall provide reasonable and uniform notice to exhibitors within the State of all trade screenings of motion pictures he is distributing.

4. Waiver void. Any purported waiver of the requirements of this section shall be void and unenforceable.

#### § 1903. Bidding procedures

If bids are solicited from exhibitors for the licensing of a motion picture within the State then:

1. Information to be included in bid. The invitation of bid shall specify:
  - A. The number and length of runs for which the bid is being solicited, whether it is a first, second or subsequent run and the geographic area for each run;
  - B. The names of all exhibitors who are being solicited;
  - C. The date and hour the invitation to bid expires; and
  - D. The location, including the address, where the bids will be opened, which shall be within the metropolitan area in which is located a distributor's sales or film distribution facility serving the theater.

#### § 1904. Remedies

Any violations of the provisions of this chapter shall be deemed to be a deceptive

trade practice, as defined in chapter 206, section 1212, and the remedies available to any aggrieved party shall be those contained within chapter 206, section 1213.

§ 1905. Effective for 2 years

This chapter shall be effective for a period of 2 years from the effective date of the chapter.

Effective September 14, 1979

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## CHAPTER 267

H. P. 487 — L. D. 636

### AN ACT to Require Insurance Policy Language Simplification.

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

Sec. 1. 24 MRSA § 2316, as amended by PL 1973, c. 585, § 12, is further amended by inserting before the last sentence the following new sentence:

No policy forms may be delivered or issued for delivery in this State unless the forms meet the requirements of Title 24-A, sections 2438 to 2445.

Sec. 2. 24-A MRSA §§ 2438-2445 are enacted to read:

§ 2438. Short title

This section and sections 2439 to 2445 shall be known as the "Insurance Policy Language Simplification Act."

§ 2439. Definitions

As used in sections 2438 to 2445, unless the context otherwise indicates, the following terms shall have the following meanings.

1. Insurer. "Insurer" means any life, health, casualty or property insurance company, fraternal benefit society, nonprofit health service corporation, nonprofit hospital service corporation, nonprofit medical service corporation, prepaid health plan, dental care plan, vision care plan, pharmaceutical plan, health maintenance organization and all similar type organizations.

2. Policy or policy form. "Policy" or "policy form" means any policy, contract, plan or agreement of life or health insurance or casualty or property