

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

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woman gave her informed written consent, freely and without coercion. He shall also certify that, not less than 48 hours prior to her consent, he informed the woman of the information contained in subsection 2. He shall further certify in writing the pregnant woman's age based upon proof of age offered by her.

2. **Informed consent.** In order to insure that the consent for an abortion is truly informed consent, the attending physician shall inform the woman in a manner which, in his professional judgment, is not misleading and which will be understood by the patient, of at least the following:

- A. According to his best judgment she is pregnant;
- B. The number of weeks elapsed from the probable time of the conception;
- C. The particular risks associated with her own pregnancy and the abortion technique to be performed; and
- D. Alternatives to abortion such as childbirth and adoption and information concerning public and private agencies that will provide the woman with economic and other assistance to carry the fetus to term, including, if the woman so requests, a list of these agencies and the services available from each.

3. **Exception.** The 48-hour period required in subsection 1 shall not be required if an abortion is immediately necessary to preserve the life or health of the pregnant women.

Effective September 14, 1979

CHAPTER 361

H. P. 1149 — L. D. 1416

AN ACT to Clarify the Authority of the Public Utilities Commission in the Enforcement of Rebate Orders.

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

35 MRSA § 313, 2nd sentence, as repealed and replaced by PL 1977, c. 411, is amended to read:

The commission shall have all implied and inherent powers pursuant to chapters 1 to 17 which are necessary and proper to faithfully execute its express powers and functions specified in chapters 1 to 17, **including the power to order reparation or adjustment when it finds that an amount charged to or collected from a customer**

was not in accordance with the filed rate applicable to him or was based upon error. The customer shall attempt to settle any dispute concerning the alleged overcharge or billing error at an informal hearing with the utility company prior to filing a complaint with the commission. If the customer is dissatisfied with the utility company decision, the customer may appeal the decision to the commission. The commission shall not order a rebate for a billing error or excessive charge that antedates the order by more than 6 years.

Effective September 14, 1979

CHAPTER 362

H. P. 838 — L. D. 1036

AN ACT Relating to the Protection of Underground Facilities.

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

Sec. 1. 23 MRSA § 3360, as enacted by PL 1971, c. 284, is repealed.

Sec. 2. 23 MRSA § 3360-A is enacted to read:

§ 3360-A. Protection of underground facilities

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

A. "Business day" means any day other than Saturday, Sunday or a legal holiday.

B. "Emergency excavation" means immediate excavation necessary to prevent injury, death or loss of an existing vital service.

C. "Excavation" means any operation in which earth, rock or other material on or below the ground is moved or otherwise displaced, by means of power tools, power equipment or explosives and including grading, trenching, digging, ditching, drilling, augering, tunneling, scraping and cable or pipe driving, except tilling of soil and gardening or agricultural purposes.

D. "Person" means an individual, partnership, municipality, state, county, political subdivision, utility, joint venture or corporation and includes the employer of an individual.

E. "Underground facility" means any item of personal property buried or placed below ground for use in connection with the storage or conveyance of water, sewage, electronic, telephonic or telegraphic communications, electric energy, oil, gas or other substances and including, but not limited to, pipes,