

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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1979

PUBLIC LAWS
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§ 9055. Ex parte communications; separation of functions

1. **Communication prohibited.** In any adjudicatory proceeding, no agency members authorized to take final action or presiding officers designated by the agency to make findings of fact and conclusions of law shall communicate directly or indirectly in connection with any issue of fact, law of procedure, with any person party or other persons legally interested in the outcome of the proceeding, except upon notice and opportunity for all parties to participate.

2. **Communication permitted.** This section shall not prohibit any agency member or other presiding officer described in subsection 1 from:

- A. Communicating in any respect with other members of the agency or other presiding officers; or
- B. Having the aid or advice of those members of his own agency staff, counsel or consultants retained by the agency who have not participated and will not participate in the agency adjudicatory proceeding in an advocate capacity.

Effective September 14, 1979

CHAPTER 426

H. P. 1426 — L. D. 1633

AN ACT to Require Financial Institutions Either to Pay Taxes from Mortgage Escrow Accounts or to Pay Interest on Escrowed Sums.

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

9-B MRSA § 429, is enacted to read:

§ 429. Residential mortgage escrow accounts

1. **Definition.** For purposes of this section, an “escrow account” means any account established by agreement between a mortgagor and a financial institution acting as a mortgagee under which the mortgagor pays to the institution or its assignee sums to be used to pay taxes.

2. **Payment of interest or taxes.** If a financial institution maintains an escrow account in connection with a first purchase money mortgage on a dwelling of 4 or fewer living units located in this State, the financial institution shall:

- A. Pay the mortgagor quarterly dividends or interest on the account at a rate at least $\frac{1}{2}$ the highest annual interest rate paid on regular savings accounts at

that institution. The dividends or interest paid under this section may not be reduced by any charge for service or maintenance of the account; or

B. To the extent of the account, pay the taxes for which the account is maintained directly to the appropriate taxing authority when the taxes are due.

3. Computing and crediting interest. Under subsection 2, paragraph A, interest shall be computed on the daily balances in the account from the date of receipt to the date of disbursement, and shall be credited to the account as of the last business day of each quarter of a calendar or fiscal year. If the account is closed or discontinued before the last business day of a quarter of a calendar or fiscal year, interest shall be computed and credited as of the day the account is closed or discontinued. For purposes of this section, the financial institution may take into account debit balances resulting from advances, and may elect to compute interest on the basis of the actual number of days in each quarter and year or on the basis of a 30-day month and a 360-day year. At least once a year, the financial institution shall give the mortgagor a statement showing the interest credited on the account during the period which the statement covers.

Effective September 14, 1979

CHAPTER 427

H. P. 380 — L. D. 487

AN ACT to Establish Assessments Upon Certain Public Utilities and to Authorize Use of the Funds Generated by Those Assessments to Pay Certain Expenses of the Public Utilities Commission.

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

35 MRSA § 17 is enacted to read:

§ 17. Funding of the commission

1. Utilities subject to assessments. Every electric, gas, telegraph, telephone and water utility subject to regulation by the commission shall be subject to an assessment of not more than .2% of the intrastate gross operating revenues of each utility to produce no more than \$150,000 in revenue annually. The commission shall determine the assessments annually prior to May 1st. Each utility shall pay the assessment charged to the utility on or before July 1st of each year except that the assessment charged to the utilities for the fiscal year ending June 30, 1980 shall be assessed no later than November 1, 1979 to produce no more than \$75,000 in revenues and shall be due on January 2, 1980.