

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND TENTH LEGISLATURE

1981

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

35 MRSA § 314, as amended by PL 1977, c. 78, § 198, is further amended by adding at the end a new paragraph to read:

The Public Utilities Commission shall adopt reasonable regulations, after hearing, to provide for a just and reasonable interest rate to be paid by the utility on any deposit of any customer.

Effective September 18, 1981

CHAPTER 416

S. P. 191 — L. D. 492

AN ACT Relating to Compensatory Telecommunication Toll Call Rates for Deaf and Hearing Impaired Persons.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, deaf and severely hearing impaired persons cannot use the telephone system in the same way hearing people can, but must use cumbersome teletypewriters to transmit typed or visual messages across telephone lines; and

Whereas, it now costs deaf persons 5 to 7 times as much to communicate a simple message as it costs a hearing person, and this extraordinary cost effectively serves to isolate deaf persons from society's mainstream; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

35 MRSA § 2361, sub-§ 1, as enacted by PL 1979, c. 625, is repealed and the following enacted in its place:

1. Toll call rates. The commission shall establish, within 30 days after the effective date of this Act, a 70% rate reduction for intrastate toll calls from deaf and hearing impaired persons who must rely on teletypewriters for residential telephone communications. To qualify for the reduction, a customer must file an affidavit, on a form approved by the Public Utilities Commission, with the telephone company, stating that, due to deafness or hearing impairment, he or a member of the household must rely on a teletypewriter for telephone communications, and that such equipment is connected to his telephone.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect July 1, 1981.

Effective July 1, 1981

CHAPTER 417
H. P. 1251 — L. D. 1475

**AN ACT to Establish the Procedure for Payment for Attorneys' Fees Awards
Against the State.**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, one effect of the recent decision of the United States Supreme Court in *Maine vs. Thiboutot* may be to increase the numbers and amounts of attorneys' fees awarded by the courts to successful litigants against the State; and

Whereas, there are various court cases pending against the State which may result in awards of attorney fees at any time; and

Whereas, there is a need to establish a procedure for paying court awarded attorney fees; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

5 MRSA § 1512 is enacted to read:

§ 1512. Payment of attorneys' fees awards

Notwithstanding section 1543 or any other statute, attorneys' fees awarded by a court against the State, its departments, agencies, officers or employees, and settlements of attorneys' fees without court award in these cases, may be paid from any funds available to the State. The Governor may identify by financial order the account, fund or other source from which payment of the attorneys' fees award or settlement shall be made.

All property, assets and interests of the State are exempt from any attachment or execution sought for the enforcement of an award of attorneys' fees.