

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

SECOND SPECIAL SESSION

September 25, 1981

AND

THIRD SPECIAL SESSION

December 9, 1981

AND

SECOND REGULAR SESSION

January 6, 1982 to April 13, 1982

AND AT THE

FOURTH SPECIAL SESSION

April 28, 1982 to April 29, 1982

AND AT THE

FIFTH SPECIAL SESSION

May 13, 1982

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

J.S. McCarthy Co.
Augusta, Maine
1981

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND AND THIRD SPECIAL SESSIONS

and

SECOND REGULAR SESSION

and

FOURTH AND FIFTH SPECIAL SESSIONS

of the

ONE HUNDRED AND TENTH LEGISLATURE

1981

CHAPTER 668

H.P. 1821 - L.D. 1806

AN ACT Relative to the Theft of Utility Services.

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

Sec. 1. 17-A §357-A is enacted to read:

§357-A. Theft of utility services

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

A. "Utility" means any person or corporation engaged in the manufacture or sale to the public of electricity, gas, sewer, steam, telephone services or water.

B. "Utility services" means the products and services provided by a utility to its customers.

2. A person is guilty of theft if:

A. He knowingly interferes with the proper action or just registration of any meter or other recording device belonging to a utility; or

B. For his own use or benefit, and without being licensed or privileged to do so he knowingly diverts or causes to be diverted any utility services.

3. Proof that utility services have been improperly diverted, or that devices belonging to the utility and installed for the delivery, regulation or measurement of utility services have been interfered with, constitutes prima facie evidence that the person to whom the utility service is thereby being delivered or diverted knowingly created or caused to be created the condition so proved.

This presumption does not apply unless the condition which forms the basis of the presumption has existed for one meter reading period for which a bill has been sent.

Sec. 2. 35 MRSA §2405 is enacted to read:

§2405. Civil liability for damages to meters

Any person who commits any of the acts prohibited in Title 17-A, section 357-A, or who otherwise damages, destroys or tampers with property of a utility as provided in Title 17-A, section 805 or 806, is liable in a civil action to the utility owning the property affected. This liability shall be for all damages suffered by the utility, including:

1. Service. The cost of utility services wrongfully used;

2. Repair. The cost of equipment repair or replacement, as necessary; and

3. Other costs. All other reasonable costs to the utility, including attorney fees and costs of undertaking and completing the investigation resulting in a determination of liability.

Effective July 13, 1982.

CHAPTER 669

H.P. 1969 - L.D. 1944

AN ACT to Clarify the Criminal Restraint by Parent Law.

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

Sec. 1. 17-A MRSA §303, sub-§1, as enacted by PL 1979, c. 512, §26, is repealed and the following enacted in its place:

1. A person is guilty of criminal restraint by parent if, being the parent of a child under the age of 16, and knowing he has no legal right to do so, he:

A. Takes, retains or entices the child from the custody of his other parent, guardian or other lawful custodian with the intent to remove the child from the State or to secrete him and hold him in a place where he is not likely to be found; or

B. Takes, retains or entices the child from the cus-