

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

**FIRST REGULAR SESSION**

December 5, 1984 to June 20, 1985

Chapters 1-384

PUBLISHED BY THE REVISOR OF STATUTES IN ACCORDANCE WITH  
MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 163-A,  
SUBSECTION 4.

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1986

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

AS PASSED AT THE  
FIRST REGULAR SESSION

of the  
ONE HUNDRED AND TWELFTH LEGISLATURE

1985

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sentative by the payee when the agreement is executed. The agreement shall clearly state terms providing for disposition of any interest earned on the funds deposited. The payee shall maintain a complete record of the deposit of all funds, including principal and interest. The record shall be available for inspection by the payor or his legal representative and shall contain the name and address of the bank, trust company, credit union or savings institution and the dates and amounts of deposits.

~~Sueh~~ The funds may be withdrawn, if otherwise lawful, by the payee on written instructions of the person who originally paid the money payor or his legal representative or on the death of the person for whose benefit ~~sueh~~ the funds were paid, in which latter event they shall be used in accordance with the agreement.

~~Sueh~~ The bank, trust company, credit union or savings institution shall be discharged from liability for payment of the funds in any such account upon presentation of a written consent to withdrawal signed by the party who paid the funds payor or his legal representative and by the payee, or upon presentation of proof of death of ~~sueh~~ the person for whose benefit ~~sueh~~ the funds were paid. This section shall not apply to the sale of cemetery lots, crypts, niches, cemetery burial privileges, cemetery space or perpetual care.

Any person who violates this section is guilty of a Class E crime. This section shall not preclude prosecution or conviction under other applicable laws.

Effective September 19, 1985.

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## CHAPTER 241

S.P. 574 - L.D. 1499

AN ACT to Simplify and Clarify the Public  
Utilities Commission's Authority Over  
Utility Issuance of Stocks, Bonds and  
Notes.

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

Sec. 1. 35 MRSA §171, sub-§1 is amended to read:

1. Conditions precedent to issuance generally. Any public utility, now organized and existing or hereafter incorporated under and by virtue of the laws of this State and doing business in the this State, may issue stocks, bonds which may be secured by mortgages on its property, franchises or otherwise, notes or other evidences of indebtedness, payable at periods of more than 12 months after the date thereof of issuance, when necessary for the acquisition of property to be used for the purpose of carrying out its corporate powers, the construction, completion, extension or improvement of its facilities, or for the improvement or maintenance of its service, or for the discharge or lawful refunding of its obligations, including capital stock, or to reimburse its treasury for moneys used for the acquisition of property, the construction, completion, extension or improvement of its facilities, for the discharge or lawful refunding of its obligations, and which actually were expended from income or from other moneys in the treasury of the corporation not secured by or obtained from the issue of stocks, bonds, notes or other evidences of indebtedness of such corporation, or for any other lawful purposes, provided and not otherwise, that upon written application, setting forth such information as the commission may require, there shall have been secured from the commission an order authorizing such issue and the amount thereof and stating that in the opinion of the commission the sum of the capital to be secured by the issue of said stocks, bonds, notes or other evidences of indebtedness is required in good faith for purposes enumerated in this section. In determining whether to grant its authorization, the commission may consider the reasonableness of the purpose or purposes for which the proceeds of the issue shall be applied, other resources which the utility has available or may have available for those purposes, the justness and reasonableness of the estimated cost to the utility of the issue and the effect of the issue upon the utility's capital structure. The commission's decision shall be in writing and shall contain findings setting forth the reasons for the decision. Every such order authorizing the issue of stock shall, if authorized to be sold at less than its par value, specify a minimum price at which the shares so authorized are to be sold, and any and all shares of stock, issued in accordance with such an order, shall be fully paid stock and not liable to any further call or payment thereon, notwithstanding it may have been authorized for sale at less than its par value, but chapters 1 to 17 shall not apply to any stocks or bonds or other evidences of indebtedness heretofore lawfully authorized and issued. The commission may at the request of any public utility approve the issue

of any stocks, or bonds heretofore bonds, notes or other evidences of indebtedness authorized but not issued. For the purpose of enabling the commission to determine whether it shall issue such an order, the commission shall make such inquiries for investigation, hold such hearings and examine such witnesses, books, papers, documents or contracts as it may deem of importance in enabling it to reach a determination. The commission may determine whether and in what manner notice of the application shall be given and whether a hearing should be held. In view of the public interest in the prompt resolution of questions affecting the issuance of securities by public utilities, in cases in which a hearing is held or the application is contested, the commission shall issue its final order within 60 days of the filing of the application or 30 days of the close of the hearing on the application, whichever first occurs, unless the commission makes an affirmative determination that additional time is necessary for a proper resolution of issues concerning the application and, notwithstanding any other provisions of law, shall establish such accelerated notice periods, schedules and limitations on hearings as may be necessary in furtherance thereof. No order of the commission authorizing the issue of any stocks, bonds, notes or other evidences of indebtedness shall may limit or restrict the powers of the commission in determining and fixing any rate, fare, toll, charge, classification, schedule or joint rate as provided in chapters 1 to 17 this Title. No public utility shall may be required to apply to the commission for authority to issue stocks, bonds, notes or other evidences of indebtedness for the acquisition of property, for the purposes of carrying out its corporate powers, the construction, completion, extension or improvement of its facilities, or the improvement or maintenance of its service outside the State, and this proviso shall apply to section 172.

Sec. 2. 35 MRSA §171, sub-§2 is repealed.

Sec. 3. 35 MRSA §171, sub-§2-A is enacted to read:

2-A. Validity of securities issued pursuant to order of commission. Any stocks, bonds, notes or other evidences of indebtedness issued or sold pursuant to or in reliance on and in accordance with any order, authorization or decision of the commission pursuant to this section, and at least 5 business days after the date of the order, authorization or decision, shall be valid, binding and enforceable in accordance with their terms, including the terms of any

agreement, instrument or document under or pursuant to which the stocks, bonds, notes or other evidences of indebtedness are issued, notwithstanding that the order, authorization or decision of the commission is later vacated, modified or otherwise held to be wholly or partly invalid, whether by the commission upon a petition for rehearing or reopening, or otherwise, or by a court, unless operation of the order, authorization or decision of the commission has been stayed or suspended by the commission or a court of competent jurisdiction prior to the issuance of the stocks, bonds, notes or other evidences of indebtedness.

Effective September 19, 1985.

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## CHAPTER 242

H.P. 219 - L.D. 253

AN ACT Concerning the Allocation of Costs  
Incurred for Incarceration in County  
Jails.

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

15 MRSA §1705 is repealed and the following enacted in its place:

§1705. Expenses of prisoners from other counties

If a person commits a crime in one county of the State and is sentenced to a term of imprisonment in a jail in a different county, the county in which the crime was committed shall pay to the other county such sum as may be agreed upon by the county commissioners of the counties for the costs of care and custody, deducting the amount received for labor. If the commissioners do not agree upon the amount to be paid, representation of the facts may be made to the Superior Court or any justice of the Superior Court, and the amount shall be determined by the court or justice, either in term time or vacation.

Effective September 19, 1985.

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