

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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

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Twin City Printery  
Lewiston, Maine  
1987

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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§2360. Authority to enter buildings; remedy of conditions; appeals

The inspector of buildings, the fire inspector and the municipal officers of any city or town may at all reasonable hours, for the purpose of examination, enter into and upon all buildings and premises within their jurisdiction. Whenever any of said officers shall find in any building or upon any premises combustible material or, inflammable conditions or heating fixtures or apparatus so situated or constructed as to be dangerous to the safety of such buildings or premises, they shall order the same to be removed or remedied, and such order shall be forthwith complied with by the owner or occupant of said buildings or premises. If the said owner or occupant shall deem himself aggrieved by such order when made by the inspector of buildings or the fire inspector, he may within 24 hours appeal to the municipal officers, and the cause of the complaint shall be at once investigated by the direction of the latter and, unless by their authority the order above named is revoked, such order shall remain in force and be forthwith complied with by said owner or occupant. The inspector of buildings, the fire inspector or the municipal officers shall make, or cause to be made, an immediate investigation as to the presence of combustible material or the existence of inflammable conditions in any building or upon any premises under their jurisdiction, upon complaint of any person having an interest in said buildings or premises or property adjacent thereto. Any owner or occupant of buildings or premises, failing to comply with the orders of the authorities above specified, shall be punished by a fine of not less than \$5 for each day's neglect.

Effective September 29, 1987.

**CHAPTER 36**

H.P. 139 — L.D. 180

**AN ACT Concerning Public Utilities Commission  
Approval of Transfer of Utility  
Property.**

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

35 MRSA §211, as amended by PL 1981, c. 469, §16, is further amended to read:

§211. Authorization required

Any public utility may sell, lease, assign, mortgage or otherwise dispose of or encumber the whole or any part of its property necessary or useful in the performance of its duties to the public, or any part of its property under construction for the performance of its duties to the public, or any franchise or permit or any right thereunder, or by any means whatsoever, direct or indirect, merge or consolidate its property, franchises or permits, or any part thereof, with any other public utility when,

and not otherwise, it shall have first secured from the commission an order authorizing it to do so. Every such sale, lease, assignment, mortgage, disposition, encumbrance, merger or consolidation made other than in accordance with the order of the commission authorizing the same shall be void. The sale, lease, assignment, mortgage or other disposition or encumbrance of a franchise or permit under this section shall not be construed to revive or validate any lapsed or invalid franchise or permit or to enlarge or add to the powers or privileges contained in the grant of any franchise or permit or to waive any forfeiture. Nothing in this section contained ~~shall~~ may be construed to prevent the sale, lease or other disposition by any public utility of property which is not necessary or useful in the performance of its duties to the public, and any sale of its property by such public utility shall be conclusively presumed to have been of property which is not necessary or useful in the performance of its duties to the public, as to any purchaser of such property in good faith for value. Nothing in this section ~~shall~~ may apply to property, franchises, permits or rights of any utility owned and operated exclusively outside this State, unless the property, franchise, permits or rights are owned, operated or under construction with respect to the performance of the utility's duties to the public inside this State. No public utility ~~shall~~ may purchase or acquire, take or hold any part of the capital stock of any other public utility organized or existing under or by virtue of the laws of this State without having been first authorized to do so by the commission. Every assignment, transfer, contract or agreement for assignment or transfer of any stock by or through any person or corporation to any corporation or otherwise in violation of any of the provisions of this section shall be void and of no effect; and no such transfer ~~shall~~ may be made on the books of any public utility. Nothing herein contained ~~shall~~ may be construed to prevent the holding of stock heretofore lawfully acquired or to prevent the acquiring of additional stock by a public utility which now owns a majority of the stock of such other utility.

Effective September 29, 1987.

**CHAPTER 37**

H.P. 203 — L.D. 255

**AN ACT to Increase the Annual Public  
Utilities Commission Regulatory Fund  
Assessment.**

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

Whereas, the 90-day period will not terminate until after the beginning of the next fiscal year; and

Whereas, the Public Utilities Commission requires additional funds in fiscal years 1987-88 and 1988-89 for ongoing services in order to ensure reliable service at just

and reasonable rates for state ratepayers; and

Whereas, these funds must be assessed by May 1, 1987, in order to be available in fiscal year 1987-88; 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:

Sec. 1. 35 MRSA §17, sub-§1, as amended by PL 1985, c. 618, §6, is further amended to read:

1. Utilities subject to assessments. Every electric, gas, telegraph, telephone and water utility subject to regulation by the commission and every water carrier subject to the jurisdiction of the commission pursuant to Private and Special Act of the Legislature shall be subject to an assessment of not more than .25% on its intrastate gross operating revenues to produce no more than ~~\$2,079,000~~ \$2,219,000 in revenues annually beginning in the ~~1986-87~~ 1987-88 fiscal year and not more than ~~\$2,309,000~~ in revenues annually beginning in the 1988-89 fiscal year. The commission shall determine the assessments annually prior to May 1st and shall assess each utility for its pro rata share. Each utility shall pay the assessment charged to the utility on or before July 1st of each year. Any increase in the assessment that becomes effective subsequent to May 1st may be billed on the effective date of the Act authorizing the increase.

A. The assessments charged to utilities under this section shall be deemed just and reasonable operating costs for rate-making purposes.

B. For the purposes of this section, intrastate gross operating revenues means intrastate revenues derived from filed rates, except revenues derived from sales for resale.

C. Gas utilities subject to the jurisdiction of the commission solely with respect to safety shall not be subject to any assessment until such time as the commission has reviewed the scope and cost of ~~such~~ that jurisdiction and an assessment or fee structure is authorized by the Legislature.

D. The commission may at its discretion correct any errors in the assessments by means of a credit or debit to the following year's assessment rather than reassessing all utilities in the current year.

Sec. 2. **Allocation.** Income not otherwise allocated from the Public Utilities Commission Regulatory Fund is allocated for the fiscal years ending June 30, 1988, and June 30, 1989, and shall be segregated, apportioned and disbursed as designated in the following schedule:

1987-88      1988-89

PUBLIC UTILITIES COMMISSION

Regulatory Fund

All Other	\$140,000	\$230,000
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**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 9, 1987.

## CHAPTER 38

H.P. 271 — L.D. 354

### AN ACT Relating to the Amount of Civil Penal Damages to be Awarded in Cases of Unlawful Discrimination.

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

5 MRSA §4613, sub-§2, ¶B, as amended by PL 1981, c. 470, Pt. A, §7, is further amended to read:

B. If the court finds that unlawful discrimination occurred, its judgment shall specify an appropriate remedy or remedies therefor. Such remedies may include, but are not limited to:

- (1) An order to cease and desist from the unlawful practices specified in the order;
- (2) An order to employ or reinstate a victim of unlawful employment discrimination, with or without back pay;
- (3) An order to accept or reinstate such a person in a union;
- (4) An order to rent or sell a specified housing accommodation, or one substantially identical thereto if controlled by the respondent, to a victim of unlawful housing discrimination;
- (5) An order requiring the disclosure of the locations and descriptions of all housing accommodations which the violator has the right to sell, rent, lease or manage; and further, forbidding the sale, rental or lease of any such housing accommodations until the violator has given security to assure his compliance with any order entered against him and with all provisions of this Act. Such an order may continue the court's jurisdiction until the violator has demonstrated compliance, and may defer decision on some or all relief until after a probationary period and a further hearing on the violator's conduct during such period;