

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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

J.S. McCarthy Company
Augusta, Maine
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

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

Sec. 1. 17-A MRSA §357, sub-§5 is enacted to read:

5. 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 being delivered or diverted knowingly created or caused to be created the improper diversion or interference with the devices of the utility.

This inference does not apply unless the person to whom the utility service is being delivered has been furnished the service for at least 30 days.

Sec. 2. 17-A MRSA §357-A, as enacted by PL 1981, c. 668, §1, is repealed.

Sec. 3. 35-A MRSA §2705, first ¶, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

Any A person who commits any of the acts obtains utility services as prohibited in Title 17-A, section 357-A 357, 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 is for all damages suffered by the utility including:

See title page for effective date.

CHAPTER 107

S.P. 173 - L.D. 587

An Act to Conform the Maine Tax Laws for 1992 with the United States Internal Revenue Code

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 would delay the processing of the 1992 income tax returns; and

Whereas, legislative action is immediately necessary to ensure continued and efficient administration of the Maine Income Tax Law and certain other state taxes; 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. 36 MRSA §111, sub-§1-A, as amended by PL 1991, c. 754, §1 and affected by §2, is further amended to read:

1-A. Code. "Code" means the United States Internal Revenue Code of 1986 and amendments to that Code as of December 31, ~~1991~~ 1992.

Sec. 2. Application. This Act applies to tax years beginning on or after January 1, 1992.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective May 12, 1993.

CHAPTER 108

S.P. 202 - L.D. 638

An Act to Modify Public Utilities Commission Practice and Rules of Evidence

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

Sec. 1. 35-A MRSA §1305, sub-§3, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

3. Evidence. Evidence taken and received by the examiners has the same effect as evidence taken and received by the commission and ~~shall authorize authorizes~~ commission action as though taken and received by it. When objection is made to the admissibility of evidence, examiners authorized to practice before the Supreme Judicial Court shall rule on the admissibility of evidence in accordance with the practice and rules of evidence in civil actions in the Superior Court except as otherwise provided.

Sec. 2. 35-A MRSA §1311, as enacted by PL 1987, c. 141, Pt. A, §6, is repealed and the following enacted in its place:

§1311. Practice and rules of evidence; process service

1. Practice and rules of evidence. In all actions and proceedings arising under this Title, all processes must be served and the practice and rules of evidence are the same as in civil actions in the Superior Court except as otherwise provided.

2. Hearsay. A statement not specifically covered by the hearsay exceptions in the rules of evidence but having equivalent circumstantial guarantees of trustwor-