

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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TITLE 3, SECTION 163-A, SUBSECTION 4

J.S. McCarthy Company
Augusta, Maine
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joint rates, tolls or charges for service by or over their lines, and that joint rates, tolls or charges ought to be established, the commission may, by its order:

A. Require that the connection be made, except where the purpose of the connection is primarily to secure the transmission of local messages or conversations between points within the same city or town;

B. Require that conversations be transmitted and messages transferred over the connection under such rules as the commission may establish; and

C. Prescribe through lines and joint rates, tolls and charges to be made and to be used, observed and enforced in the future.

2. Division of costs between utilities. If the telephone or telegraph utilities do not agree upon the division between them of the cost of the physical connection or connections or the division of the joint rates, tolls or charges established by the commission over the through lines, the commission may, after further hearing, establish the division by supplemental order.

§7902. Lines along highways and across waters

Every telegraph or telephone utility or person transmitting television signals by wire may, except as limited, construct, maintain and operate its lines upon and along the routes and between the points stated in its certificate of incorporation; and may, subject to the conditions and under the restrictions provided in this Title, construct its lines along, over, under and across any of the roads and streets and across or under any of the waters upon and along the routes, with all necessary erections and fixtures.

§7903. Connection with other telephone lines

Every telegraph or telephone utility in the State may, upon such terms as may be agreed upon by the contracting parties, subject to the control of the commission:

1. Connect lines. Connect its lines with those of any other like utility;

2. Sell or lease lines. Sell or lease its lines and property, in whole or in part, to any other like utility; and

3. Purchase or lease lines. Purchase or lease the lines and property, in whole or in part, of any like utility.

§7904. Land for public use

Every telegraph or telephone utility in the State may purchase, or take and hold as for public uses, land

necessary for the construction and operation of its lines. Land may be taken and damages for it may be estimated, secured, determined and paid as provided for water utilities by sections 6502 to 6512.

Sec. 15. 35-A MRSA c. 81, as amended, is repealed.

See title page for effective date.

CHAPTER 226

H.P. 905 - L.D. 1281

An Act to Clarify Notice Requirements and a Party's Opportunity to be Heard

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

Sec. 1. 35-A MRSA §1304, sub-§1, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

1. Notice to utility and parties. The commission shall notify the public utility ~~and~~ other parties and interested persons it considers proper of the time and place of the formal public hearing as provided in Title 5, section 9052.

Sec. 2. 35-A MRSA §1304, sub-§2, ¶A, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

A. The commission may by rule or upon written notice to the public utility require it to:

(1) Give reasonable notice of the time and place of the hearing to each subscriber affected or to be affected by the subject of the hearing; or

(2) File pertinent information as to the rates or service involved, including schedules of proposed rates, in the office of the clerk of the municipality where the subscribers reside.

Sec. 3. 35-A MRSA §1304, sub-§§3 and 4, as enacted by PL 1987, c. 141, Pt. A, §6, are amended to read:

3. Subpoenas. The commission may issue subpoenas to require the attendance and testimony of witnesses and the production of evidence relating to any fact at issue in the hearing. A party to a hearing is entitled to have subpoenas issued by the commission in the manner described in Title 5, section 9060.

4. Hearings. A party to a hearing is entitled to be heard ~~and to have the subpoenas issued by the commission in the manner described in Title 5, section 9060 9056.~~

Sec. 4. 35-A MRSA §1321, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

§1321. Orders altered or amended

The commission may at any time rescind, alter or amend any order it has made including an order fixing any rate or rates, tolls, charges or schedules, ~~provided only if it gives the public utility and all parties to the original proceeding, to the extent practical, written notice as provided in section 1304 and after opportunity for those parties to be heard as provided in section 1304 present evidence or argument, as determined appropriate by the commission.~~ Certified copies of amended orders ~~shall~~ **must** be served and take effect as provided for original orders.

See title page for effective date.

CHAPTER 227

H.P. 906 - L.D. 1282

**An Act to Correct Obsolete
References to Justices of the Peace**

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

Sec. 1. 23 MRSA §3101 is amended to read:

§3101. Call of meetings

When 4 or more persons are owners and occupants of a private way or bridge, any 3 of them may make written application to a ~~justice of the peace~~ notary public to call a meeting, who may issue ~~his a~~ his a warrant setting forth the time, place and purpose ~~thereof of the meeting~~, a copy of which ~~shall~~ **must** be posted at some public place in the town 7 days before such time. When so assembled, they may choose a clerk and a surveyor, to be sworn, and they may determine what repairs are necessary and the materials to be furnished or amount of money to be paid by each owner ~~therefor for the repairs~~ and the manner of calling future meetings.

Sec. 2. 33 MRSA §1053 is amended to read:

§1053. Appraisal if value \$10 or more

Every finder of lost goods or stray beasts of the value of \$10 or more shall, within 2 months after finding and before using them to their disadvantage, procure a warrant from the town clerk or a ~~justice of the peace~~ notary public, directed to 2 persons

appointed by said clerk or ~~justice~~ notary, not interested except as inhabitants of the town, returnable at said clerk's office within 7 days from its date, to appraise said goods under oath.

Sec. 3. 33 MRSA §1054 is amended to read:

§1054. Restitution to appearing owner; money or goods

If the owner of such lost money or goods appears within 6 months, and if the owner of such stray beasts appears within 2 months after said notice to the town clerk and gives reasonable evidence of ~~his~~ ownership to the finder, ~~he the owner~~ shall have restitution of them or the value of the money or goods, paying all necessary charges and reasonable compensation to the finder for keeping, to be adjudged by a ~~justice of the peace of the county~~ the district court, if the owner and finder cannot agree.

Sec. 4. 38 MRSA §851 is amended to read:

§851. Meeting of mill owners; call; object

When an owner of a mill or of the dam necessary for working ~~it the mill~~ thinks it necessary to rebuild or repair it in whole or in part, ~~he the owner~~ may apply in writing to a ~~justice of the peace~~ notary public in the county where ~~it the mill~~ is situated, or if partly in 2 counties, to a ~~justice of the peace~~ notary public in either, to call a meeting of the owners, stating the object, time and place of the meeting. ~~Such justice~~ The notary may issue ~~his a~~ his a warrant for the purpose, directed to ~~such the~~ the owner, which ~~shall~~ **must** be published in some newspaper printed in ~~such the~~ the county, if any, 3 weeks successively, the last publication to be not less than 10 nor more than 30 days before the meeting; or a true copy of the warrant may be delivered to each of said owners or left at ~~his the~~ the owner's last ~~and usual place of abode~~ known address; and either notice is binding on all the owners.

See title page for effective date.

CHAPTER 228

H.P. 685 - L.D. 936

**An Act to Clarify the Discretion of
the Commission on Governmental
Ethics and Election Practices in
Assessing Penalties**

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