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Legislative Document

No. 1328

H.P. 980

House of Representatives, March 30, 2021

An Act To Protect Maine Electricity Customers from Threats of Disconnection in the Wintertime

Reference to the Committee on Energy, Utilities and Technology suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BERRY of Bowdoinham.
Cosponsored by Senator BALDACCI of Penobscot.

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

2 **Sec. 1. 35-A MRSA §717** is enacted to read:

3 **§717. Winter terminations**

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

6 A. "Disconnection prohibition period" means any time between November 15th and
7 April 15th, or during any other period when, pursuant to rules adopted under section
8 704, the commission has prohibited a transmission and distribution utility from
9 disconnecting residential customers or prohibited such disconnections without the
10 permission from the consumer assistance and safety division.

11 B. "Residential customer" includes any customer account to which electric service is
12 provided for residential purposes, regardless of whether the electricity received under
13 that account is also used for business purposes.

14 **2. Notice of winter disconnection.** During a disconnection prohibition period, a
15 transmission and distribution utility may not send or deliver, orally, on paper or
16 electronically, to any residential customer of the utility any notice or communication that:

17 A. Provides for disconnection of the customer's electric service on a specified date or
18 within a specified interval of time during a disconnection prohibition period, unless the
19 utility has received the prior permission of the consumer assistance and safety division
20 to make the disconnection on the specified date or within the specified interval of time;
21 or

22 B. Makes any reference to disconnection or involuntary termination of the customer's
23 electric service during a disconnection prohibition period, unless the notice or
24 communication includes a prominent statement that disconnection of a residential
25 customer's electric service during the disconnection prohibition period cannot take
26 place without the advance permission of the consumer assistance and safety division,
27 that the customer will be notified of any request for such permission and that the
28 customer will have the opportunity to be heard by the consumer assistance and safety
29 division.

30 **3. Past due accounts; assistance programs.** Notwithstanding any provision of law
31 to the contrary, a notice to a residential customer from a transmission and distribution utility
32 of a past due account that if not paid could lead to termination of utility service after April
33 15th is sufficient evidence to establish eligibility for emergency general assistance as
34 described in Title 22, chapter 1161 and for fuel assistance as described in Title 30-A,
35 chapter 201, subchapter 13.

36 **4. Violation; penalties.** A transmission and distribution utility that violates this
37 section is subject to a civil penalty not to exceed \$2,500, payable to the customer to whom
38 the prohibited communication is sent. This penalty is recoverable in a civil action and is
39 in addition to any other remedies to which the customer may be entitled.

40 **SUMMARY**

41 This bill prohibits the use by an electric transmission and distribution utility of a notice
42 or communication to a residential customer in the winter months that threatens

1 disconnection on a specified date or within a specified time period unless the utility already
2 has permission for the disconnection from the consumer assistance and safety division
3 within the Public Utilities Commission. It also requires that any notice that in any way
4 mentions disconnection during the winter months also state prominently that disconnection
5 cannot take place without the advance permission of the consumer assistance and safety
6 division and that the customer will be notified and heard. A violation of these requirements
7 subjects the utility to a penalty of up to \$2,500 per violation payable to the affected
8 customer, in addition to any other remedies to which the customer may be legally entitled.