

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND TENTH LEGISLATURE  
4

5 **Legislative Document**

**No. 1806**

7 H. P. 1821 House of Representatives, January 12, 1982  
8 Approved for introduction by the Legislative Council pursuant to  
Joint Rule 26.

Referred to the Committee on Public Utilities and ordered printed.  
EDWIN H. PERT, Clerk

9 Presented by Representative Conary of Oakland.  
10  
11

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-TWO  
16

17 AN ACT Relative to the Theft of Utility Services.  
18

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

20 Sec. 1. 17-A MRSA §806, sub-§1, ¶A, as last amended  
21 by PL 1979, c. 289, is further amended to read:

22 A. Damages or destroys the property of another, having  
23 no reasonable ground to believe that he has a right to  
24 do so; damages or destroys property to enable any  
25 person to collect insurance proceeds for the loss  
26 caused; or tampers with the property of another, having  
27 no reasonable grounds to believe that he has the right  
28 to do so, and thereby impairs the use of that property;  
29 or

30 Sec. 2. 17-A MRSA §806, sub-§1, ¶B, as enacted by PL  
31 1975, c. 499, §1, is amended to read:

1 B. Damages, destroys or tampers with property of a law  
2 enforcement agency, fire department, or supplier of  
3 gas, electric, steam, water, transportation, sanitation  
4 or communication services to the public, having no  
5 reasonable ground to believe that he has a right to do  
6 so, and by such conduct recklessly creates a risk of  
7 interruption or impairment of services rendered to the  
8 public; or

9 **Sec. 3. 17-A MRSA §806, sub-§1, ¶C,** is enacted to  
10 read:

11 C. Commits any of the following acts:

12 (1) Injures, destroys or causes to be injured or  
13 destroyed any meter, pipe, conduit, wire, line,  
14 post, lamp or other device or attachment belonging  
15 to a person or corporation engaged in the manufac-  
16 ture or sale of electricity, gas, water or tele-  
17 phone communication services;

18 (2) Knowingly interferes with the proper action or  
19 just registration of any meter or other recording  
20 device belonging to a person or corporation de-  
21 scribed in subparagraph (1);

22 (3) Knowingly participates in causing the prohib-  
23 ited result in either subparagraph (1) or (2); or

24 (4) Without the consent of a person or corporation  
25 described in subparagraph (1), knowingly diverts,  
26 causes to be diverted or allows to be diverted for  
27 his use any utility service from that person or  
28 corporation.

29 The existence of any of the results prohibited by this  
30 paragraph with reference to meters, recording devices  
31 or attachments shall be evidence that the person to  
32 whom the utility service is at the time being furnished  
33 by or through those meters, recording devices or  
34 attachments, has knowingly created or caused to be cre-  
35 ated the conditions so existing; provided that the evi-  
36 dence referred to in this paragraph does not apply to  
37 any person who has been furnished with electric, gas,  
38 water or telephone service for less than 31 days, or  
39 until the first meter reading has been made; and pro-  
40 vided that the evidence referred to in this paragraph  
41 does not apply to any person whose electric meter,  
42 recording devices and attachments are on the property

1 of another person or under the control of another  
2 person.

3 Nothing in this subsection limits any civil right of  
4 action lying in favor of any utility as a result of  
5 damage occurring from any act prohibited in this para-  
6 graph. Damages include the cost of the utility service  
7 wrongfully used, the cost of the equipment repair or  
8 replacement as necessary, attorneys' fees and all costs  
9 to the utility, including labor in undertaking and com-  
10 pleting the investigation resulting in a determination  
11 of liability under this section.

12 STATEMENT OF FACT

13 This bill is designed to respond to the problem of the  
14 increasing amount of theft of public utility services and  
15 energy diversions by tampering with recording meters. It is  
16 modeled after the Public Laws of New Hampshire (RSA 539:7),  
17 Chapter 448, which became effective August 22, 1981.

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