

# MAINE STATE LEGISLATURE

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L.D. 1949

Date: 6/12/25

(Filing No. S-387)

**REPORT A****ENERGY, UTILITIES AND TECHNOLOGY**

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**STATE OF MAINE****SENATE****132ND LEGISLATURE****FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to S.P. 756, L.D. 1949, "An Act Regarding Energy Fairness"

Amend the bill by striking out all of Part A and inserting the following:

**'PART A**

**Sec. A-1. 35-A MRSA §704, sub-§1**, as amended by PL 1999, c. 398, Pt. A, §18 and affected by §§104 and 105, is further amended to read:

**1. Residential customers.** The commission shall adopt ~~and promulgate~~ reasonable rules after a hearing concerning the termination or disconnection of any residential customer's service by a transmission and distribution, gas, water or telephone utility of the State. These rules apply generally to all such utilities within the commission's jurisdiction ~~and must provide for adequate written notice by that utility to the residential customer that the customer's utility bill has not been paid, and a notice of the prospective termination or disconnection and the right, prior to disconnection, to enter into reasonable installment payment arrangements with that utility, to settle any dispute concerning the proposed disconnection at an informal hearing with that utility and to appeal the results of that utility's decision to the commission.~~ The rules must also provide that there may be no termination or disconnection during a limited medical emergency and for a just and reasonable procedure regarding reconnections of utility service and deposit requirements; and:

A. Provide for adequate written notice by a public utility to a residential customer that the customer's utility bill has not been paid, a notice of the prospective termination or disconnection of utility service and the right of the customer, prior to termination or disconnection, to:

(1) Enter into reasonable installment payment arrangements with that utility;

(2) Settle any dispute concerning the proposed termination or disconnection at an informal hearing with that utility; and

(3) Appeal the results of that utility's decision to the commission;

B. Except as provided in paragraph C, prohibit a transmission or distribution utility from terminating or disconnecting a residential customer's utility service for nonpayment if the customer attests to the transmission and distribution utility that:

(1) The customer faces financial hardship, which must be defined in the rules to mean that the customer is enrolled in a means-tested state or federal assistance program, or attests to the utility that the customer's income is less than 60% of the area median income;

(2) The customer has attempted to access any assistance program administered by the State as specified by the commission; and

(3) The customer or a member of the customer's household has been certified by a medical professional or governmental agency as having a medical condition or disability that would be adversely impacted by a disconnection of electricity service;

C. Establish a process by which a transmission and distribution utility may proceed with a disconnection of a residential customer's service that would otherwise be prohibited under paragraph B in exceptional circumstances after the transmission and distribution utility has complied with all applicable requirements of this subsection and related rules;

D. Require a transmission and distribution utility to issue monthly notices to customers who have unpaid amounts for utility services during any period in which the transmission and distribution utility is prohibited from disconnecting the customer's utility service in accordance with paragraph B, including the amount owed and a statement describing how the customer may apply for financial assistance; and

E. Prohibit a transmission and distribution utility from verifying that a customer qualifies for the prohibition on disconnection under paragraph B more than once per 12-month period.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.'

Amend the bill in Part B by inserting after section 1 the following:

'Sec. B-2. 35-A MRSA §302, sub-§1-A, ¶D-1 is enacted to read:

D-1. "Investor relations" means an activity, communication, service or expense for the purpose of promoting, supporting or managing a public utility's relationship with current or potential investors, shareholders, securities analysts, investment advisors or financial media or for the purpose of marketing to enhance the public utility's stock price, market perception or investment appeal.'

Amend the bill in Part B in section 2 in subsection 2 in paragraph A-1 in the last line (page 3, line 7 in L.D.) by inserting after the following: "finer" the following: 'This paragraph does not apply to a consumer-owned water utility, a consumer-owned transmission and distribution utility or the Casco Bay Island Transit District, created by Private and Special Law 1981, chapter 22'

Amend the bill in Part B in section 2 in subsection 2 in paragraph B in the last line (page 3, line 10 in L.D.) by inserting after the following: "utility" the following: 'or a consumer-owned transmission and distribution utility'

1 Amend the bill in Part B in section 2 in subsection 2 in paragraph C in the first 5 lines  
2 (page 3, lines 11 to 15 in L.D.) by striking out the following: "including, but not limited  
3 to, compensation for an employee of a public utility or an employee of an affiliated interest  
4 if any portion of that compensation is used by the employee for lobbying or paid by that  
5 employee to a federal, state or local government official in an effort to influence any official  
6 decisions of or legislative decisions by the governmental official"

7 Amend the bill in Part B in section 2 in subsection 2 in paragraph E in the last line  
8 (page 3, line 27 in L.D.) by inserting after the following: "directors" the following: 'This  
9 paragraph does not apply to a consumer-owned water utility, a consumer-owned  
10 transmission and distribution utility or the Casco Bay Island Transit District, created by  
11 Private and Special Law 1981, chapter 22'

12 Amend the bill in Part B in section 2 in subsection 2 by striking out all of paragraph F  
13 (page 3, lines 28 to 31 in L.D.) and inserting the following:

14 'F. Expenditures for investor relations. This paragraph does not apply to the  
15 preparation or filing of documents or communications that are expressly and  
16 exclusively required by applicable federal or state law or by order of a regulatory  
17 authority, as long as the document or communication is prepared solely to satisfy that  
18 legal or regulatory requirement. This paragraph does not apply to a consumer-owned  
19 water utility, a consumer-owned transmission and distribution utility or the Casco Bay  
20 Island Transit District, created by Private and Special Law 1981, chapter 22; and'

21 Amend the bill in Part B in section 2 in subsection 2 in paragraph G in the 4th line  
22 (page 3, line 35 in L.D.) by inserting after the following: "same proceeding" the following:  
23 'multiplied by the number of months in which the utility has such expenses up to 150% of  
24 the spending by the Office of the Public Advocate in the same proceeding'

25 Amend the bill in Part C in section 1 in subsection 1-B in the 2nd line (page 4, line 17  
26 in L.D.) by striking out the following: "public" and inserting the following: 'transmission  
27 and distribution'

28 Amend the bill in Part C in section 1 in subsection 1-B in the 5th line (page 4, line 20  
29 in L.D.) by striking out the following: "public" and inserting the following: 'transmission  
30 and distribution'

31 Amend the bill in Part C in section 1 in subsection 1-B in the 6th line (page 4, line 21  
32 in L.D.) by striking out the following: "public"

33 Amend the bill in Part C in section 1 in subsection 1-B in paragraph D in the first line  
34 (page 4, line 30 in L.D.) by inserting after the following: "the" the following: 'transmission  
35 and distribution'

36 Amend the bill in Part C in section 1 in subsection 1-B in the first blocked paragraph  
37 in the last 2 lines (page 4, lines 35 and 36 in L.D.) by striking out the following: "and  
38 environmental justice population status as defined in section 103-B, subsection 1,  
39 paragraph B"

40 Amend the bill in in Part C in section 1 in subsection 1-B in the 2nd blocked paragraph  
41 in the first line (page 4, line 37 in L.D.) by striking out the following: "public" and inserting  
42 the following: 'transmission and distribution'

1 Amend the bill in Part C in section 1 in subsection 1-B in the 2nd blocked paragraph  
2 in the 2nd line (page 4, line 38 in L.D.) by inserting after the following: "on the" the  
3 following: 'transmission and distribution'

4 Amend the bill in Part C in section 2 in §301-A in subsection 1 in the 3rd line (page 5,  
5 line 3 in L.D.) by striking out the first occurrence of the following: "public" and inserting  
6 the following: 'transmission and distribution'

7 Amend the bill in Part C in section 2 in §301-A in subsection 1 in the 3rd line (page 5,  
8 line 3 in L.D.) by striking out the 2nd occurrence of the following: "public" and inserting  
9 the following: 'transmission and distribution'

10 Amend the bill in Part C in section 2 in §301-A in subsection 1 in paragraph A in the  
11 first line (page 5, line 9 in L.D.) by striking out the following: "public" and inserting the  
12 following: 'transmission and distribution'

13 Amend the bill in Part C in section 2 in §301-A in subsection 2 in the 2nd line (page 5,  
14 line 15 in L.D.) by striking out the following: "conduct" and inserting the following:  
15 'initiate'

16 Amend the bill in Part C in section 2 in §301-A in subsection 2 in the 3rd line (page 5,  
17 line 16 in L.D.) by striking out the following: "public" and inserting the following:  
18 'transmission and distribution'

19 Amend the bill in Part C in section 2 in §301-A in subsection 3 in the first line (page  
20 5, line 20 in L.D.) by striking out the following: "public" and inserting the following:  
21 'transmission and distribution'

22 Amend the bill in Part C in section 2 in §301-A in subsection 4 in the first line (page  
23 5, line 24 in L.D.) by striking out the following: "public" and inserting the following:  
24 'transmission and distribution'

25 Amend the bill in Part C in section 2 in §301-A in subsection 4 in the 3rd line (page 5,  
26 line 26 in L.D.) by striking out the following: "public" and inserting the following:  
27 'transmission and distribution'

28 Amend the bill in Part C by striking out all of sections 3, 4 and 5.

29 Amend the bill in Part C in section 6 in the 2nd line (page 6, line 16 in L.D.) by striking  
30 out the following: "public" and inserting the following: 'transmission and distribution'

31 Amend the bill in Part C in section 7 in the 3rd line (page 6, line 21 in L.D.) by striking  
32 out the following: "public" and inserting the following: 'transmission and distribution'

33 Amend the bill in Part C by inserting after section 7 the following:

34 '**Sec. C-8. Rules.** In adopting rules pursuant to the Maine Revised Statutes, Title  
35 35-A, section 301, subsection 1-B, the Public Utilities Commission shall require a  
36 transmission and distribution utility to include in its quarterly docket filing information  
37 required to be filed by transmission and distribution utilities pursuant to Public Utilities  
38 Commission rule Chapter 815 effective August 29, 2024.'

39 Amend the bill by striking out all of Part D and inserting the following:

40 **'PART D**

**Sec. D-1. Environmental justice principles; report.** The Public Utilities Commission shall evaluate and identify ways in which the commission may incorporate environmental justice principles into the performance of its duties.

For the purposes of this section, "environmental justice principles" means principles that support protection from environmental pollution and the ability to live in and enjoy a clean and healthy environment, regardless of race, color, national origin, class, ability, gender identity, sexual orientation, ethnicity or ancestry, religious belief, English language proficiency or income, which include the meaningful involvement of environmental justice populations with respect to the development, implementation and enforcement of environmental laws, rules, regulations and policies and the equitable distribution of energy, health, economic and environmental benefits and energy, health, economic and environmental burdens. For the purposes of this section, "environmental justice population" means any census block group in which the annual median household income is not more than 80% of the State's annual median household income; persons of color or indigenous persons constitute 7% or more of the population, but the annual median household income does not exceed 150% of the State's annual median household income; or more than 1% of households are categorized as having limited English proficiency.

The commission shall submit a report to the Joint Standing Committee on Energy, Utilities and Technology by February 15, 2026 with recommendations regarding the incorporation of environmental justice principles into the performance of its duties. The committee may report out a bill related to the commission's report to the Second Regular Session of the 132nd Legislature.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

## SUMMARY

This amendment does the following.

1. It changes the eligibility criteria for a residential customer who is protected from disconnection by a public utility for nonpayment and limits the criteria to customers of a transmission and distribution utility.

2. It removes the provisions of the bill addressing sales practices of competitive electricity providers.

3. In the section of the bill establishing limitations on expenses that may be included in a public utility's rates, it excepts certain consumer-owned utilities from the prohibition on the inclusion in rates of contributions to a trade association, chamber of commerce or public charity, including, but not limited to, a charity managed by the public utility or affiliated interest. It removes the prohibition on the inclusion in rates compensation for an employee of a public utility or an employee of an affiliated interest if any portion of that compensation is used by the employee for lobbying or paid by that employee to a federal, state or local government official in an effort to influence any official decisions of or legislative decisions by the governmental official. It also defines "investor relations" and establishes an exception to the prohibition on the inclusion of expenditures for investor relations. The amendment also establishes a cap on the monthly costs that may be included in rates associated with any contested rate case proceeding conducted before the Public Utilities Commission in which the Office of the Public Advocate participated.

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4. It limits the provisions of the bill related to customer hardship reporting to transmission and distribution utilities with over 50,000 customers and removes the requirement that certain data be disaggregated by environmental justice population status.

5. It changes the date applicable to administrative charge proceedings conducted by the commission to specify that the commission must initiate one or more proceedings by December 31, 2025 as opposed to conducting one or more proceedings by December 31, 2025. It also limits the applicability of the proceeding to transmission and distribution utilities with over 50,000 customers.

6. It removes the sections of the bill governing investor-owned transmission and distribution utility customer bill requirements.

7. It removes the provisions of the bill enacting environmental justice requirements and instead directs the commission to evaluate and identify ways in which the commission may incorporate environmental justice principles into the performance of its duties. The commission must provide a report to the Joint Standing Committee on Energy, Utilities and Technology by February 15, 2026 with recommendations. The committee may report out a bill related to the commission's report to the Second Regular Session of the 132nd Legislature.

**FISCAL NOTE REQUIRED**

(See attached)



Approved: 06/06/25 **LRL**

# 132nd MAINE LEGISLATURE

LD 1949

LR 2159(02)

## An Act Regarding Energy Fairness

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Energy, Utilities and Technology

Fiscal Note Required: Yes

"A" (S. 387)

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### Fiscal Note

Current biennium cost increase - Other Special Revenue Funds

#### Fiscal Detail and Notes

Sections of this bill related to administrative charge proceedings specify that they must be completed within existing resources. However, the Public Utilities Commission (PUC) has indicated that due to the nature of these proceedings, additional contracted services would be required to meet the bill requirements. The current statute does not authorize the use of existing Other Special Revenue Funds accounts for this purpose. As a result, the bill imposes new requirements without allowing a sufficient funding mechanism. The potential impact of these unfunded requirements on the PUC's existing activities cannot be determined at this time.