

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1964

S.P. 771

In Senate, May 13, 2025

An Act to Require the Development of a Standard Written Disclosure for Sellers and Installers of Distributed Generation Resources, to Make Changes to Other Standard Disclosures and to Make Misrepresentation in the Sale of Electricity Products an Unfair Trade Practice

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

A handwritten signature in black ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BLACK of Franklin.
Cosponsored by Representative: FOSTER of Dexter.

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

2 **Sec. 1. 10 MRSA §1250-M** is enacted to read:

3 **§1250-M. False representation in sale of electricity product**

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

6 A. "Competitive electricity provider" has the same meaning as in Title 35-A, section
7 3201, subsection 5.

8 B. "Distributed generation resource" has the same meaning as in Title 35-A, section
9 3481, subsection 5.

10 C. "Electricity product" means a distributed generation resource, energy supply by a
11 competitive electricity provider or a similar resource. "Electricity product" does not
12 include an electrical appliance, machinery or equipment or building efficiency services
13 or products.

14 D. "Electric utility" means a transmission and distribution utility as defined in Title
15 35-A, section 102, subsection 20-B.

16 **2. False representation in sale of electricity product.** A person may not falsely
17 represent the person as a representative of, as an affiliate of or as being in any way affiliated
18 with an electric utility or as a representative of, as an official of or acting in an official
19 capacity on behalf of a governmental agency or program, unless expressly permitted by the
20 electric utility or governmental agency or program, when selling, offering to sell, leasing,
21 installing or entering into any other financial arrangement regarding an electricity product.

22 **3. Unfair trade practice.** A violation of this section constitutes a violation of the
23 Maine Unfair Trade Practices Act.

24 **Sec. 2. 35-A MRSA §3203, sub-§4, ¶G-1,** as enacted by PL 2021, c. 108, §5 and
25 reallocated by RR 2021, c. 2, Pt. A, §123, is amended to read:

26 G-1. May not enter, or allow any of the provider's 3rd-party sales agents on the
27 provider's behalf; to enter, into an agreement to provide service to a residential or small
28 commercial consumer when that service is solicited ~~using door-to-door sales~~ without
29 providing the consumer with a standard disclosure form, in a format prescribed by the
30 commission by rule, that meets the requirements of this paragraph. The standard
31 disclosure form requirements include, but are not limited to, the following:

32 (1) A type size that is no less than 14 points;

33 (2) Contact information, including the telephone numbers for the competitive
34 electricity provider, the commission and the Office of the Public Advocate;

35 (3) A telephone number and publicly accessible website where the consumer may
36 obtain information on the current standard-offer service rate and expiration date
37 and the publicly accessible website for electricity supply information available
38 through the Office of the Public Advocate;

39 (4) Information regarding the consumer's right to rescind service as provided in
40 paragraph C;

(5) ~~The~~ When applicable, the registration number of the 3rd-party sales agent issued by the commission pursuant to subsection 2 and any transient seller's license number issued by the Department of Professional and Financial Regulation pursuant to Title 32, chapter 128, subchapter 2; ~~and~~

(6) Any other information the commission determines is necessary; and

(7) For a residential consumer, information regarding consumer protections under subsection 4-B; and

Sec. 3. 35-A MRSA §3209-A, sub-§5, ¶B, as enacted by PL 2021, c. 107, §2, is amended to read:

B. ~~Must provide to a residential customer such information as the commission may require by rule or order in a standard disclosure form~~ before entering into an agreement with the residential customer to participate in a net energy billing arrangement based upon a shared financial interest in a distributed generation resource; a standard disclosure form, in a format prescribed by the commission by rule, which must include, but is not limited to, the following:

(1) The name and telephone number of the project sponsor or the project sponsor's representative;

(2) The name and location of the project;

(3) Information regarding billing by the project sponsor and information on how net energy billing works; and

(4) Any other information the commission determines is necessary;

Sec. 4. 35-A MRSA §3209-A, sub-§5, as enacted by PL 2021, c. 107, §2, is amended by enacting at the end a new first blocked paragraph to read:

Notwithstanding any provision of this section to the contrary, rules adopted by the commission pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 5. 35-A MRSA §3218 is enacted to read:

§3218. Standard written disclosure for sale or installation of distributed generation resources

1. Standard written disclosure. A person who sells and installs distributed generation resources shall prior to a sale provide to the customer a completed standard written disclosure as prescribed by the Attorney General. For the purposes of this section, "distributed generation resource" has the same meaning as in section 3209-A, subsection 1, paragraph B.

2. Disclosure requirements; rules. The Attorney General shall adopt rules to carry out the purposes of this section. The rules must include a standard written disclosure for the sale and installation of a distributed generation resource. The standard written disclosure requirements include, but are not limited to, the following:

A. The name of the seller and contact information of the seller or a representative of the seller and the name of the facility;

1 B. A plain language summary of pertinent requirements and time frames regarding
2 small interconnection procedures;

3 C. A good faith cost summary or estimate of system interconnection costs for which
4 the customer may be responsible;

5 D. A statement of the rights and responsibilities of the seller, customer and transmission
6 and distribution utility pertinent to the engagement or interconnection with the facilities
7 of the transmission and distribution utility;

8 E. A description of any dispute resolution mechanisms, including information relating
9 to the interconnection ombudsman under section 3474, subsection 4, available to the
10 seller, customer and transmission and distribution utility;

11 F. Clearly described terms and conditions of any financial agreement associated with
12 the sale, lease or installation of a distributed generation resource;

13 G. Signature lines for the seller and customer attesting that the seller provided, and the
14 customer received, the standard written disclosure prior to the sale of the distributed
15 generation resource;

16 H. A notice that the seller will notify the customer of when the project is operational
17 and the customer's subscription or service is active; and

18 I. Any other information the Attorney General determines is necessary.

19 Rules adopted pursuant to this subsection are routine technical rules under Title 5, chapter
20 375, subchapter 2-A.

21 **3. Violation.** A violation of this section is a violation of the Maine Unfair Trade
22 Practices Act.

23 **Sec. 6. Public Utilities Commission; rules.** The Public Utilities Commission
24 shall initiate rulemaking to implement the Maine Revised Statutes, Title 35-A, section
25 3203, subsection 4, paragraph G-1 and Title 35-A, section 3209-A, subsection 5, paragraph
26 B within 90 days of the effective date of this Act.

27 **Sec. 7. Attorney General; rules.** The Attorney General shall initiate rulemaking
28 to implement the Maine Revised Statutes, Title 35-A, section 3218, subsection 2 within 90
29 days of the effective date of this Act.

30 SUMMARY

31 This bill makes misrepresentation as a representative or affiliate of an electric utility or
32 representative or official of a governmental agency or program when selling, offering to
33 sell, leasing, installing or entering into any other financial arrangement regarding an
34 electricity product a violation of the Maine Unfair Trade Practices Act.

35 The bill changes the information that must be included in a standard disclosure form
36 provided by competitive electricity providers to residential and small commercial
37 consumers and requires the disclosure form to be in a format prescribed by the Public
38 Utilities Commission by rule.

39 The bill provides information that must be included in a standard disclosure form to be
40 provided by project sponsors to net energy billing customers and requires the form to be in
41 a format prescribed by the Public Utilities Commission by rule.

1 The bill requires the Attorney General to develop by rule a standard written disclosure
2 to be provided to customers by persons who sell or install distributed generation resources
3 and provides information that must be included in the standard written disclosure.