

# MAINE STATE LEGISLATURE

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L.D. 1806

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES (Filing No. H-692)  
110TH LEGISLATURE  
SECOND REGULAR SESSION

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COMMITTEE AMENDMENT "A" to H.P. 1821, L.D. 1806, Bill,  
"AN ACT Relative to the Theft of Utility Services."

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Amend the bill by striking out everything after the  
enacting clause and inserting in its place the following:

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'Sec. 1. 17-A §357-A is enacted to read:

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§357-A. Theft of utility services

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1. As used in this section, unless the context other-  
wise indicates, the following terms have the following mean-  
ings.

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A. "Utility" means any person or corporation engaged  
in the manufacture or sale to the public of electric-  
ity, gas, sewer, steam, telephone services or water.

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B. "Utility services" means the products and services  
provided by a utility to its customers.

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2. A person is guilty of theft if:

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A. He knowingly interferes with the proper action or  
just registration of any meter or other recording  
device belonging to a utility; or

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B. For his own use or benefit, and without being li-  
icensed or privileged to do so he knowingly diverts or  
causes to be diverted any utility services.

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3. Proof that utility services have been improperly  
diverted, or that devices belonging to the utility and  
installed for the delivery, regulation or measurement of  
utility services have been interfered with, constitutes  
prima facie evidence that the person to whom the utility  
service is thereby being delivered or diverted knowingly  
created or caused to be created the condition so proved.

1 COMMITTEE AMENDMENT "A" to H.P. 1821, L.D. 1806

2 This presumption does not apply unless the condition which  
3 forms the basis of the presumption has existed for one meter  
4 reading period for which a bill has been sent.

5 Sec. 2. 35 MRSA §2405 is enacted to read:

6 §2405. Civil liability for damages to meters

7 Any person who commits any of the acts prohibited in  
8 Title 17-A, section 357-A, or who otherwise damages,  
9 destroys or tampers with property of a utility as provided  
10 in Title 17-A, section 805 or 806, is liable in a civil ac-  
11 tion to the utility owning the property affected. This lia-  
12 bility shall be for all damages suffered by the utility,  
13 including:

14 1. Service. The cost of utility services wrongfully  
15 used;

16 2. Repair. The cost of equipment repair or replace-  
17 ment, as necessary; and

18 3. Other costs. All other reasonable costs to the  
19 utility, including attorney fees and costs of undertaking  
20 and completing the investigation resulting in a determina-  
21 tion of liability.

22 STATEMENT OF FACT

23 This amendment places the substantive criminal provi-  
24 sions of the bill in the chapter of the criminal code deal-  
25 ing with theft. Language dealing with criminal conduct dam-  
26 aging utility property has been deleted, since this is  
27 already dealt with under the criminal mischief law and  
28 because the presumption contained in this amendment is less  
29 defensible when applied to mere damage.

30 The amendment also places the language on civil liabil-  
31 ity in Title 35, among the provisions on utility meters.

Reported by the Committee on Judiciary.  
Reproduced and distributed under the direction of the Clerk  
of the House.