

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1009

7 H.P. 780

House of Representatives, March 3, 1983

8 Referred to the Committee on Public Utilities. Sent up for concurrence
9 and ordered printed.

10 EDWIN H. PERT, Clerk

11 Presented by Representative Connolly of Portland.

12 STATE OF MAINE
13

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

17 AN ACT to Allow Consumer Groups to Solicit
18 Funding through Utility Bills.
19

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

22 35 MRSA §2357-A is enacted to read:

23 §2357-A. Enclosures in utility bills

24 1. Purpose. The purpose of this section is to
25 encourage greater representation of the using and
26 consuming public in matters within the jurisdiction
27 of the commission.

28 2. Definitions. For purposes of this section,
29 the following terms have the following meanings.

30 A. "Approved consumer organization," called here
31 "organization," means a nonprofit organization

1 which represents the using and consuming public,
2 or a sector thereof, and which has been approved
3 by the commission under subsection 5.

4 B. "Enclosure" means a card, leaflet, envelope
5 or combination thereof furnished by an organiza-
6 tion under this section.

7 3. Enclosures. Enclosures may be supplied by an
8 organization to a public utility, subject to the fol-
9 lowing conditions.

10 A. An enclosure furnished by an organization
11 under this section may not be submitted to the
12 utility less than 21 calendar days before the
13 date of the periodic customer billing.

14 B. An enclosure shall be of a size compatible
15 with the utility's mailing envelope, shall other-
16 wise conform to the specifications of the
17 utility's billing enclosure insert equipment and
18 may not exceed 0.5 ounce in total weight.

19 C. An enclosure shall be limited to informing
20 the reader of the purpose, nature and activities
21 of the organization and informing the reader that
22 the utility consumer billed and others in his
23 household may contribute money to the organiza-
24 tion directly. The enclosure or statement shall
25 have the character of a circular and may not have
26 the character of a bill, statement of account or
27 personal correspondence.

28 D. The organization may not furnish any enclo-
29 sure to a public utility under this section
30 unless the enclosure has been approved by the
31 commission under subsection 5.

32 4. Distribution of enclosures.

33 A. Except as provided under paragraphs B and C,
34 any public utility furnished with an enclosure
35 under subsection 3 shall enclose the enclosure
36 within the periodic customer billing which the
37 public utility mails or delivers to any residen-
38 tial consumer.

1 B. No public utility may be required to include
2 a statement or enclosure under this section in
3 its periodic billing more than a total of 4 times
4 during any one-year period.

5 C. No public utility whose normal periodic cus-
6 tommer billing method is by postcard may be re-
7 quired to mail an enclosure of the organization
8 under paragraph A.

9 D. If the weight of a public utility's periodic
10 customer billing, when combined with the
11 organization's enclosures under subsection 3
12 exceeds one ounce, the organization shall reim-
13 burse the public utility for the proportion of
14 the total postage cost of the billing which is
15 equal to the organization's proportion of the
16 total weight of the billing. The organization
17 shall promptly reimburse with interest at the
18 current prime rate each public utility for all
19 other reasonable costs incurred by the public
20 utility, above the utility's normal billing
21 costs, in complying with this section. If any
22 public utility is unable to collect any amount
23 due from the organization under this section
24 within 3 months after the date the amount is due,
25 the public utility may refuse further requests to
26 mail an enclosure until the amount is paid.

27 E. A dispute arising from the operation of this
28 section shall be resolved by negotiations between
29 the organization and the public utility if pos-
30 sible, or by a civil proceeding in District
31 Court. Neither the public utility nor the orga-
32 nization may fail to comply with this section by
33 reason of the existence of such a dispute.

34 5. Commission approval.

35 A. To become an approved consumer organization,
36 a candidate entity shall submit evidence to the
37 commission that it is a bona fide nonprofit orga-
38 nization which represents the using and consuming
39 public or a sector thereof. The commission
40 shall, by rule, establish annually a list of
41 approved consumer organizations.

1 B. Prior to furnishing an enclosure to a utility
2 under subsection 3, the organization shall submit
3 the statement or enclosure to the commission.
4 The commission shall approve the enclosure if it
5 determines that the enclosure is not false or
6 misleading and that the enclosure satisfies the
7 requirements of this section.

8 STATEMENT OF FACT

9 The purpose of this bill is stated in Title 35,
10 section 2357-A, subsection 1. It is modeled after
11 the Citizens Utility Board Act, enacted by Wisconsin
12 in 1979.

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