

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1915

6
7 S.P. 751

In Senate, January 20, 1986

8 Submitted by the Office of Public Advocate pursuant to Joint Rule 24.
9 Reference to the Committee on Utilities suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

10 Presented by Senator Baldacci of Penobscot.

Cosponsored by Senator Chalmers of Knox, Representative Simpson of Casco and Representative Swazey of Bucksport.

11
12 STATE OF MAINE
13

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

17 AN ACT to Assist Consumers in Obtaining
18 Redress for Violation of their Rights
19 by Regulated Utilities.
20

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

23 35 MRSA §314, as amended by PL 1985, c. 481, Pt.
24 C, §19, is further amended by adding after the 4th
25 paragraph a new paragraph to read:

26 In addition to any other remedies that may exist,
27 any customer who is aggrieved by that violation may
28 bring a complaint against the public utility in ei-
29 ther the Superior Court or the District Court. If a
30 public utility has willfully or recklessly violated
31 any substantive rule promulgated by the commission
32 pursuant to the authority granted in this section or
33 section 105, the customer shall recover actual dam-
34 ages or \$100, whichever is greater, and if he obtains
35 a judgment, reasonable attorneys' fees not to exceed
36 \$750.

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STATEMENT OF FACT

2 Two years ago the Legislature amended the laws
3 governing termination of utility services to allow
4 the Public Utilities Commission to bring a utility to
5 the Administrative Court if the commission believed
6 that the utility had willfully or recklessly violated
7 any of the commission's rules regarding the termina-
8 tion of utility services. The Legislature did not
9 provide any additional remedies for the individual
10 customer whose rights may have been violated.

11 This bill provides a remedy for the injured cus-
12 tomer to allow that customer to require \$100 or actu-
13 al damages, whichever is greater, plus a reasonable
14 attorney's fee not to exceed \$750.

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