

MAINE STATE LEGISLATURE

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1 (New Draft of S.P. 751, L.D. 1915)
2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 2259

8 S.P. 899

In Senate, March 25, 1986

9 Reported by Senator Baldacci of Penobscot from the Committee on
10 Utilities and printed under Joint Rule 2. Original bill sponsored by Senator
11 Baldacci of Penobscot. Cosponsored by Senator Chalmers of Knox,
Representative Simpson of Casco and Representative Swazey of Bucksport.

JOY J. O'BRIEN, Secretary of the Senate

12
13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-SIX
17

18 AN ACT to Assist Consumers in Obtaining
19 Redress for Violation of their Rights
20 by Regulated Utilities.
21

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

24 35 MRSA §314, 4th ¶, as enacted by PL 1983, c.
25 683, §2, is amended to read:

26 If the commission finds that a public utility has
27 willfully or recklessly violated any substantive rule
28 promulgated by the commission pursuant to the author-
29 ity granted in this section, the commission may bring
30 a complaint against the public utility before the Ad-
31 ministrative Court as provided in Title 5, section
32 10051, subsection 4, except that the jurisdiction in
33 the Administrative Court shall not include the issu-
34 ance, renewal, denial or revocation of a license of a
35 public utility. The Administrative Court may impose
36 fines in accordance with Title 4, section 1156. Upon

1 a finding by the Administrative Court of a property
2 loss suffered by a customer causally related to the
3 violation by the public utility as provided in this
4 paragraph, the court may order the public utility to
5 compensate the customer for the actual loss, less any
6 setoff for a balance found to be due the utility by
7 the customer for unpaid utility service. That loss
8 may not include consequential damages. No action for
9 damages resulting from a termination which was in
10 willful or reckless violation of the commission's
11 rules may be commenced until at least 60 days after
12 notice of a claim setting forth the nature of the
13 termination and the damages suffered has been pro-
14 vided to the utility. That notice shall be provided
15 to the utility in writing within 30 days of the al-
16 leged termination.

17 STATEMENT OF FACT

18 The new draft, like the bill, provides a way for
19 an aggrieved customer to collect actual damages for
20 willful and reckless disconnection. By giving the au-
21 thority to the Administrative Court it makes it un-
22 necessary for a customer to undergo the legal and
23 other expense of initiating a suit against the utili-
24 ty in court. It essentially provides for an order for
25 payment of damages at the same time the utility suf-
26 fers a civil penalty for the violation of the rule.
27 In addition, the new draft provides that before an
28 action is brought in the Administrative Court the
29 customer shall notify the utility of the alleged
30 wrongful termination.

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