

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2004

S.P. 745

In Senate, January 7, 1988

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on Utilities suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator ERWIN of Oxford.

Cosponsored by Representative WILLEY of Hampden.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-EIGHT

AN ACT to Make Changes to the Public
Utilities Law.

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4 Be it enacted by the People of the State of Maine as
5 follows:

6 **Sec. 1. 35-A MRSA §102, sub-§4, as enacted by**
7 **PL 1987, c. 141, Pt. A, §6, is repealed and the**
8 **following enacted in its place:**

9 4. Customer. "Customer" includes any person,
10 government or governmental division which has applied
11 for, been accepted and is currently receiving service
12 from a public utility.

1 Sec. 2. 35-A MRSA §6104, sub-§§2 and 3, as
2 amended by PL 1987, c. 490, Pt. B, §12, are amended to
3 read:

4 2. Utilities which elect to set rates under this
5 section. Consumer-owned water utilities which elect to
6 set rates under this section may not file with the
7 commission or increase any rate, toll or charge
8 without first holding a public hearing at which the
9 Public Advocate and any customer may testify and may
10 question the officials present regarding the proposed
11 increase.

12 3. Notice of proposed rate increase and hearing.
13 The consumer-owned water utility shall, at least 14
14 days prior to the hearing, publish a notice of the
15 proposed rate increase and the hearing, including the
16 date, time, place and purpose of the hearing, in a
17 newspaper of general circulation in the area
18 encompassed by the consumer-owned water utility and
19 give one notice of the proposed rate increase and the
20 date, time and place of the hearing to each of its
21 customers. The published and individual notices shall
22 include a statement describing the amount of the
23 increase and the percentage increase for each customer
24 class and copies, the customer's right to request
25 information relating to the present and proposed
26 rates, the right to an open and fair hearing and the
27 right to further hearings before the commission, and
28 the availability of assistance from the Public
29 Advocate. Copies of the notice shall be sent to the
30 commission and the Public Advocate at least 14 days
31 prior to the hearings.

32 Sec. 3. 35-A MRSA §6104, sub-§4-A is enacted to
33 read:

34 4-A. Supporting materials. The water utility
35 shall file a copy of all materials supporting the
36 proposed increase with the commission and the Public
37 Advocate, at least 30 days prior to the hearing. A
38 copy of all material supporting the proposed increase

1 shall be made available to customers for examination
2 at the offices of the utility for at least 30 days
3 prior to the hearing. The utility shall promptly
4 provide any relevant additional material or
5 information requested by a customer, the commission or
6 the Public Advocate.

7 Sec. 4. 35-A MRSa §6104, sub-§9, as enacted by
8 PL 1987, c. 141, Pt. A, §6, is amended to read:

9 9. Water utility may challenge petitions. The
10 water utility has 10 days from receipt of notice to
11 notify the commission whether it intends to contest
12 any aspect of the validity of the petitions, after
13 which it shall lose that right. If the water utility
14 notifies the commission in a timely fashion that it
15 wishes to contest the validity of the petitions, the
16 commission shall schedule a hearing. It shall hold
17 the hearing and issue its decision on the validity of
18 the petitions within 30 days of notification by the
19 water utility that it intends to contest the validity
20 of the petitions. If the commission finds the
21 petitions to be invalid, it shall lift its order of
22 suspension. For the purposes of this section,
23 "customer" means, in the case of residential accounts,
24 any adult residing in a household where the utility's
25 service is provided, and, in the case of all other
26 accounts where the utility's service is provided, a
27 corporate officer, a partner or a proprietor. No one
28 person may sign on behalf of more than one account
29 unless receiving service at the residence of the
30 account.

31 Sec. 5. 35-A MRSa §7503, sub-§1, as enacted by
32 PL 1987, c. 141, Pt. A, §6, is amended to read:

33 1. Placement of coin telephone. All coin
34 telephones placed after September 14, 1979 December
35 31, 1981, in a public place, or in an area to which
36 the public is invited, and which are intended for
37 use by the public, shall be placed at a height and in
38 a position which permits their use by physically
39 disabled persons, as defined in Title 25, sections

1 2701 and 2702, respectively.

2 STATEMENT OF FACT

3 The purpose of this bill is to make minor
4 substantive or housekeeping changes in the public
5 utilities law. The changes are as follows:

6 1. Clarify the definition of utility "customer";

7 2. Amend the procedural requirements for rate
8 cases of noninvestor-owned water utilities under the
9 Maine Revised Statutes, Title 35-A, section 6104, to
10 conform to the more progressive requirements for
11 noninvestor-owned electric utilities under Title 35-A,
12 section 3502; and

13 3. Clarify the laws on handicap access to public
14 telephone stations, including reconciling differences
15 between the laws in Title 25 and Title 35-A.

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