

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

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## FIRST REGULAR SESSION-1990

Legislative Document

No. 10

H.P. 4

House of Representatives, December 5, 1990

Reference to the Committee on Utilities suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative OLIVER of Portland.

Cosponsored by Speaker MARTIN of Eagle Lake, Representative ADAMS of Portland and Senator DUTREMBLE of York.

### STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

### An Act to Mandate the Continuance of Current Policies on Winter Utility Disconnections.

(EMERGENCY)



Emergency preamble. Whereas, Acts of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted  
as emergencies; and

4  
Whereas, gas or electric utility service during the severe  
6 weather of the winter months is necessary to the health, safety  
and welfare of Maine residents; and

8  
Whereas, with the realities of the current economic  
10 situation, the possibility of termination or disconnection of  
this service poses a real threat to many utility customers; and

12  
Whereas, in the judgment of the Legislature, these facts  
14 create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
16 necessary for the preservation of the public peace, health and  
safety; now, therefore,

18  
**Be it enacted by the People of the State of Maine as follows:**

20  
**Sec. 1. 35-A MRSA 704, sub-§1, as enacted by PL 1987, c. 141,**  
22 **Pt. A, §6, is amended to read:**

24 **1. Residential customers.** The commission shall adopt and  
promulgate reasonable rules after a hearing concerning the  
26 termination or disconnection of any residential customer's  
service by an electric, gas, water or telephone utility of the  
28 State. These rules shall must apply generally to all such  
utilities within the commission's jurisdiction and shall must  
30 provide for adequate written notice by that utility to the  
residential customer that his the customer's utility bill has not  
32 been paid, and a notice of his prospective termination or  
disconnection and his the customer's right, prior to  
34 disconnection, to enter into reasonable installment payment  
arrangements with that utility; to settle any dispute concerning  
36 the proposed disconnection at an informal hearing with that  
utility and to appeal the results of that utility's decision to  
38 the commission. The rules shall must also provide that there may  
be no termination or disconnection during a limited medical  
40 emergency and for a just and reasonable procedure regarding  
reconnections of utility service and deposit requirements. The  
42 rules must provide that there may be no termination or  
disconnection of electric or gas utility service during the  
44 period from November 1st to March 31st unless the specific  
termination or disconnection is approved by the director of  
46 consumer assistance.

48 **Sec. 2. Reconnection.** The electric or gas utility service of  
any residential customer that was terminated or disconnected from  
50 September 1, 1989, to the effective date of this Act must be  
reserved or reconnected at no cost to the customer if the

customer was receiving benefits as of the date of the termination or disconnection under any of the following programs:

1. Aid to Families with Dependent Children;
2. Food stamps;
3. A state-administered fuel assistance program;
4. Supplemental security income; or
5. Medicaid.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

### STATEMENT OF FACT

This bill requires, under rules promulgated by the Public Utilities Commission, that residential electric or gas utility service may not be terminated or disconnected from November 1st to March 31st unless the director of consumer assistance of the Public Utilities Commission specifically approves that termination or disconnection. The bill also requires that any such utility service that was terminated from September 1, 1989, to the effective date of the bill must be resumed if the residential customer was receiving certain benefits at the time of termination.