

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

---

Legislative Document

No. 546

H.P. 427

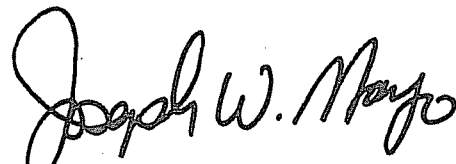
House of Representatives, February 18, 1993

---

**An Act Relating to the Theft of Utility Services.**

---

Reference to the Committee on Judiciary suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative KETTERER of Madison.

Cosponsored by Representative: PLOWMAN of Hampden, Senator: BALDACCI of Penobscot.

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

Sec. 1. 17-A MRSA §357-A, sub-§3, as enacted by PL 1981, c. 668, §1, is amended to read:

3. Proof that utility services have been improperly diverted, or that devices belonging to the utility and installed for the delivery, regulation or measurement of utility services have been interfered with, constitutes prima facie evidence that the person to whom the utility service is thereby being delivered or diverted knowingly created or caused to be created the condition so proved.

This presumption does not apply unless the ~~condition which forms the basis of the presumption has existed for one meter reading period for which a bill has been sent~~ person to whom the utility service is being delivered has been furnished the service for at least one billing cycle.

#### STATEMENT OF FACT

The existing law relating to theft of utility services creates a presumption, upon proof that the utility services have been improperly interfered with or diverted, that the interference or diversion was knowing. This bill clarifies the intent of the provision requiring utilities to allow new customers one billing cycle before the presumption can apply. As currently worded, the law could be construed to require the utility, in every case, to allow the theft to continue for a full billing cycle before the presumption would apply.