

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 382

S.P. 103

In Senate, January 23, 1997

**An Act to Prohibit the Public Utilities Commission from Directing  
Utility Overcharges to Any Program Other Than Repayment to  
Ratepayers.**

(EMERGENCY)

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Reference to the Committee on Utilities and Energy suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator CAREY of Kennebec.

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

Whereas, diversion of revenues from utility overcharges  
poses an immediate threat to ratepayers; and

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

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

Sec. 1. 35-A MRSA §314 is enacted to read:

**§314. Overcharges**

Notwithstanding any other provision of law, if the  
commission determines that the rates charged by a utility are, or  
have been, in excess of what is just and reasonable, the  
commission may not direct that the overcollection be set aside,  
expended or otherwise used for any purpose other than reduction  
of rates charged to those customers who have been overcharged or  
direct rebates to those customers.

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

**SUMMARY**

This bill prohibits the Public Utilities Commission from  
directing utility customer overcharges to be used in any manner  
other than reduction of the rates charged to those customers who  
have been overcharged or direct rebates to those customers.