

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 1837

H.P. 1398

House of Representatives, December 3, 2001

**An Act to Improve the Ability of the Public Utilities Commission to
Enforce State Laws, Rules and Requirements.**

Submitted by the Public Utilities Commission pursuant to Joint Rule 204.

Received by the Clerk of the House on November 29, 2001. Referred to the Committee on Utilities and Energy pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative SAVAGE of Buxton.

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

Sec. 1. 35-A MRSA §1508, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

§1508. Punishment; general penalty

A public utility which ~~willfully that~~ violates a provision of this Title, ~~does an act prohibited by it, fails or refuses to perform a duty enjoined upon it for which a penalty is not provided or fails or refuses to obey a lawful requirement or of a rule,~~ tariff or order made by the commission, commits a civil violation for which a ~~forfeiture not to exceed \$1,000~~ penalty may be adjudged for each offense. The act, omission or failure of an officer, agent or person acting for or employed by a public utility who is acting within the scope of his ~~that person's~~ employment is deemed to be the act, omission or failure of the public utility. The commission shall determine the level of the penalty after notice and opportunity for the public utility to be heard. The penalty for a violation may be in an amount up to a maximum of \$5,000 or 1% of the public utility's annual gross revenues received from sales in the State, whichever is greater. The amount of the penalty must take into account:

1. Severity. The severity of the violation, including the intent of the violator and the nature, circumstances, extent and gravity of any prohibited acts;

2. History. The history of any previous violations; and

3. Deterrence. The amount necessary to deter future violations.

Sec. 2. 35-A MRSA §1510, as enacted by PL 1989, c. 86, is repealed.

SUMMARY

This bill increases the dollar amount of the penalty that the Public Utilities Commission may impose if a public utility does not comply with the law or commission rules, tariffs or orders and it establishes guidelines for assessing the penalty.