

MAINE STATE LEGISLATURE

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103

L.D. 1659

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DATE: 2/4/04

(Filing No. H-669)

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UTILITIES AND ENERGY

MAJORITY

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10 Reproduced and distributed under the direction of the Clerk of
12 the House.

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14 STATE OF MAINE
16 HOUSE OF REPRESENTATIVES
18 121ST LEGISLATURE
20 SECOND SPECIAL SESSION

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20 COMMITTEE AMENDMENT "A" to H.P. 1235, L.D. 1659, Bill, "An
22 Act To Streamline the Time-share Rate Collection Process for
24 Sanitary Districts"

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24 Amend the bill by striking out the title and substituting
the following:

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26 'An Act To Streamline the Time-share Rate Collection Process'

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28 Further amend the bill by striking out everything after the
30 title and before the summary and inserting in its place the
following:

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

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36 Whereas, utilities that provide service to time-share
38 estates on a property-wide basis and not on an individual-owner
40 basis confront great practical difficulties if required by the
managing entity to bill individual time-share owners, and some
utilities are currently being required to confront such
difficulties; and

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42 Whereas, in the judgment of the Legislature, these facts
44 create an emergency within the meaning of the Constitution of

42

44

ADS

COMMITTEE AMENDMENT "A" to H.P. 1235, L.D. 1659

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. 33 MRSA §593-A is enacted to read:

§593-A. Utility billing for time-share estates

1. Definitions. As used in this section, the following terms have the following meanings.

A. "Assessment" means any rate, fee or charge assessed or imposed by a utility for the provision of its service to time-share units, other than service that is metered or otherwise measured and billed on an individual time-share owner basis.

B. "Utility" means a public utility as defined in Title 35-A, section 102, sanitary district established under Title 38, chapter 11 or sewer district as defined in Title 38, section 1251.

2. Authority of managing entities. Notwithstanding section 593, subsection 2, when a utility provides services to time-share units, the managing entity may collect and receive money from the time-share owners for the purpose of paying the assessment.

3. Authority of utility to require assessment collection. Notwithstanding section 593, subsection 2, on written request of a utility, a managing entity shall collect and receive money from the time-share owners in accordance with this subsection for the purpose of paying assessments.

A. The utility shall provide the managing entity a combined or total utility bill and any additional information that may be reasonably useful for the managing entity to allocate the cost of utility service to the time-share owners.

B. The managing entity shall maintain an escrow account with a financial institution licensed by the State and deposit any money collected or received for the utility's assessments in the escrow account within 10 days after collection or receipt. The escrow account must be established in the names of both the managing entity and the utility. A withdrawal may not be made from the escrow account without the written agreement of the utility.

2 C. Prior to the delinquency date established by the
3 utility, the managing entity shall pay to the utility all
4 money deposited in the escrow account under paragraph B for
5 the purpose of paying the assessment. If the amount paid
6 from the escrow account is not sufficient to discharge all
7 assessments due and owing:

8 (1) The managing entity shall pay the difference and,
9 in accordance with section 594, place a lien on those
10 time-share estates whose owners have not contributed
11 their apportioned share to the escrow account; or

12 (2) At the request of the utility, the managing entity
13 shall provide a list identifying the delinquent owners
14 and their interests, including periods of ownership,
15 and the utility may proceed to collect the assessments
16 from those interests as allowed by law. If the utility
17 uses any lien procedure available to it under law to
18 collect delinquent assessments on time-share estates,
19 any required notice of the lien that the utility sends
20 to a time-share estate owner must also be given to the
21 managing entity or left at the managing entity's last
22 and usual place of abode or the utility must send to
23 the managing entity by certified mail, return receipt
24 requested, either a copy of the notice sent to the
25 time-share estate owner or a notice that lists all
26 time-share estate owners to whom notices have been
27 delivered. For sending the notice or notices to the
28 managing entity, the utility may receive \$5 plus all
29 certified mail, return receipt requested fees and the
30 cost of any photocopying.

31 4. Exercise of other utility authority not precluded.
32 Nothing in this section limits the authority of a utility and a
33 managing entity to make other mutually acceptable arrangements
34 for collection of assessments. Nothing in this section limits
35 the authority of a utility to take any other action available
36 under law to collect and recover assessments.

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

41 SUMMARY

42 This amendment, which is the majority report of the Joint
43 Standing Committee on Utilities and Energy, replaces the bill
44 while preserving the essential features of the bill. This
45 amendment:

COMMITTEE AMENDMENT "A" to H.P. 1235, L.D. 1659

1. Allows utilities to require the managing entity of time-share estates to collect and pay a unified utility bill. The procedures mirror those currently in law for collection of municipal taxes;
2. Allows utilities and managing entities to make other mutually acceptable arrangements and preserves the authority utilities may have under other law to collect and recover assessments;
3. Adds an emergency preamble and emergency clause to the bill; and
4. Changes the title of the bill to reflect the changes made by the amendment.