

MAINE STATE LEGISLATURE

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Date: 3/3/10

UTILITIES AND ENERGY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1196, L.D. 1695, Bill, "An Act To Direct the Public Utilities Commission To Adopt Rules To Improve the Safety of Multiunit Rental Dwellings"

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

'Resolve, Directing the Public Utilities Commission To Address Public Safety Issues Relating to Disconnection of Certain Utilities'

Amend the bill by striking out everything after the title and before the summary and inserting the following:

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

Whereas, to promote the protection of life and safety, promote the protection of private property, ensure the privacy of customer information and ensure that both owners and tenants receive appropriate information about available utility payment assistance programs, standards or procedures relating to disconnection of service by electric, gas and water utilities should be developed as soon as possible; 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

Sec. 1. Development of standards or procedures to address utility disconnection safety issues. Resolved: That the Public Utilities Commission, in consultation with representatives of transmission and distribution utilities, gas utilities and water utilities as well as representatives of owners of rental units and representatives of tenants and other interested persons, shall seek to develop appropriate and reasonable procedures to allow owners of rental units to receive notice of disconnection of electric, gas or water service to a tenant. In establishing any procedures, the commission shall seek to promote the protection of life and safety and of private property, to ensure the

COMMITTEE AMENDMENT

1 privacy of customer information and to ensure that both owners and tenants receive
2 appropriate information about available utility payment assistance programs. Any
3 procedures established by the commission must apply to tenancies in which there is a
4 written lease, and the commission shall examine how and whether to apply any
5 procedures to tenancies at will. The commission may not modify procedures relating to
6 utility liens for nonpayment of charges. The commission shall establish appropriate time
7 frames for any required notices and shall make clear the penalties that will apply under
8 existing law for violations of established procedures. In developing any procedures, the
9 commission shall examine all existing relevant laws and rules, including the Maine
10 Revised Statutes, Title 14, section 6024-A, relating to landlord failure to pay for utility
11 services; Title 35-A, section 706, relating to disconnection of a tenant's utilities for a
12 landlord's failure to pay for utility service; and Title 35-A, section 6111-B, relating to
13 water utilities. The commission shall also consider enhancing notice to both tenants and
14 owners of existing assistance programs that could help in paying for utility bills,
15 including but not limited to low-income home energy assistance programs and "lifeline"
16 programs. The commission shall review existing voluntary agreements that allow a
17 utility account to be transferred to a landlord if a tenant's service is disconnected. The
18 commission shall seek to limit the number of any new notices that are provided to
19 landlords to the fewest possible consistent with the goals of this resolve. The commission
20 shall examine and seek to resolve the following issues: how owners should notify utilities
21 of the existence of rental units and whether the notice should be mandatory or voluntary;
22 when a utility, after disconnection of a customer's service, may treat that person as no
23 longer a customer and when policies governing the privacy of a customer's account
24 should no longer apply; how any procedures adopted by the commission should apply to
25 consumer-owned utilities; whether utilities should be permitted to collect a charge for
26 providing any notifications under any new procedures adopted by the commission;
27 whether procedures should be different for water, gas and transmission and distribution
28 utilities; and whether a model clause for inclusion in lease agreements should be created
29 that, if used, would allow notification to landlords of any disconnection of utility services
30 to tenants. The commission may not establish any new fees for procedures or notices
31 established under current law or rules; and be it further

32 **Sec. 2. Rules. Resolved:** That the Public Utilities Commission may adopt rules
33 as necessary to accomplish the goals of this resolve. Any rules adopted under this section
34 are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375,
35 subchapter 2-A; and be it further

36 **Sec. 3. Report. Resolved:** That the Public Utilities Commission shall report to
37 the joint standing committee of the Legislature having jurisdiction over utilities and
38 energy matters by January 15, 2011 the results of its examination under section 1 as well
39 as any procedures established, including a description of any rules adopted under section
40 2.

41 **Emergency clause.** In view of the emergency cited in the preamble, this
42 legislation takes effect when approved.'

SUMMARY

1
2 This amendment replaces the bill with a resolve that directs the Public Utilities
3 Commission, in consultation with representatives of transmission and distribution
4 utilities, gas utilities and water utilities as well as representatives of owners of rental units
5 and representatives of tenants and other interested persons, to seek to develop appropriate
6 and reasonable procedures to allow owners of rental units to receive notice of
7 disconnection of electric, gas or water service to a tenant. The commission is directed to
8 examine a variety of issues related to this matter and is authorized to take action pursuant
9 to existing laws and rules or to adopt rules as necessary to achieve the goals of the
10 resolve. The commission is required to report to the joint standing committee of the
11 Legislature having jurisdiction over utilities and energy matters by January 15, 2011 the
12 results of its examination as well as any procedures established. The amendment also
13 adds an emergency preamble and an emergency clause.

FISCAL NOTE REQUIRED

14
15
16 (See attached)
17



Approved: 03/01/10 *MAC*

124th MAINE LEGISLATURE

LD 1695

LR 2303(02)

An Act To Direct the Public Utilities Commission To Adopt Rules To Improve the Safety of Multiunit Rental Dwellings

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Utilities and Energy

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Any additional costs to the Public Utilities Commission (PUC) to consult with stakeholders to develop procedures to allow owners to receive notice of disconnection of electric/gas/water services, review related issues, make rules and report findings to the Joint Standing Committee on Utilities and Energy can be absorbed within existing budgeted resources.