

# 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)

Handwritten initials and a checkmark.

Date: 5/18/21

(Filing No. H- 189)

ENERGY, UTILITIES AND TECHNOLOGY

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

STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 370, L.D. 507, "An Act To Improve Consumer Protections for Community Solar Projects"

Amend the bill by striking out all of section 2 and inserting the following:

Sec. 2. 35-A MRSA §3209-A, sub-§5 is enacted to read:

5. Consumer protection. To protect customers who participate in or are solicited to participate in a net energy billing arrangement based upon a shared financial interest in a distributed generation resource from fraud or unfair and deceptive business practices, a project sponsor:

A. Must obtain a customer's explicit affirmative authorization before serving the customer;

B. Must provide to a residential customer such information as the commission may require by rule or order in a standard disclosure form before entering into an agreement with the residential customer to participate in a net energy billing arrangement based upon a shared financial interest in a distributed generation resource;

C. Must allow a customer to rescind the customer's decision to participate in a net energy billing arrangement based upon a shared financial interest in a distributed generation resource, as long as the customer requests such rescission orally or in writing within 5 days of the customer's receipt of the first bill or invoice under the arrangement that the customer is responsible for paying in full;

D. May not collect or seek to collect unreasonable costs from a customer who is in default;

E. Must comply with any other applicable standards or requirements adopted by the commission by rule or order;

F. May not release to any other entity, other than for purposes of debt collection or credit reporting pursuant to state and federal law or to law enforcement agencies pursuant to lawful process, any personal information regarding a customer, including

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41

name, address, telephone number and usage and historical payment information, without the explicit affirmative consent of the customer;

G. Must comply with the Maine Unfair Trade Practices Act;

H. Must comply with all applicable provisions of the federal Equal Credit Opportunity Act, 15 United States Code, Sections 1691 to 1691f; and

I. Must comply with all federal and state laws, federal regulations and state rules regarding the prohibition or limitation of telemarketing.

**Sec. 3. 35-A MRSA §3209-A, sub-§6** is enacted to read:

**6. Enforcement.** The commission, through its own counsel or through the Attorney General, may apply to the Superior Court of any county of the State to enforce any lawful order made or action taken by the commission pursuant to subsection 5, paragraphs A to E, and the court may issue any preliminary or final order that the court determines proper. The commission may impose administrative penalties under chapter 15 upon a project sponsor and may order restitution for any party injured by a violation for which a penalty may be assessed pursuant to chapter 15. If the commission has reason to believe a project sponsor has violated subsection 5, paragraphs F to I, the commission shall report this information to the Attorney General for appropriate action. A violation of subsection 5 is a violation of the Maine Unfair Trade Practices Act.

**Sec. 4. Net energy billing; consumer protection rules.** Notwithstanding the Maine Revised Statutes, Title 35-A, section 3209-A, rules initially adopted by the Public Utilities Commission to implement this Act are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Amendments or changes to those rules after that initial adoption are major substantive rules in accordance with Title 35-A, section 3209-A.

**Sec. 5. Appropriations and allocations.** The following appropriations and allocations are made.

**PUBLIC UTILITIES COMMISSION**

**Public Utilities - Administrative Division 0184**

Initiative: Provides allocations for one Staff Attorney position and 2 Senior Consumer Assistance Specialist positions and associated All Other costs.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2021-22</b>	<b>2022-23</b>
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$239,384	\$332,704
All Other	\$24,339	\$24,583
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$263,723</b>	<b>\$357,287</b>

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

**SUMMARY**

This amendment clarifies the enforcement of provisions governing project sponsors in order to protect a customer who participates in or is solicited to participate in a net energy

1 billing arrangement based upon a shared financial interest in a distributed generation  
2 resource from fraud and other unfair and deceptive business practices. It specifies the  
3 provisions that are the responsibility of the Public Utilities Commission to enforce and  
4 requires that the commission report to the Attorney General for any suspected violations of  
5 other specified provisions. It also specifies that any violation of the provisions governing  
6 project sponsors is a violation of the Maine Unfair Trade Practices Act. Lastly, it allows  
7 the commission to adopt consumer protection provisions in its net energy billing rules as  
8 routine technical rules on a one-time basis.

9 The amendment also adds an appropriations and allocations section.

10 **FISCAL NOTE REQUIRED**  
11 (See attached)



# 130th MAINE LEGISLATURE

LD 507

LR 444(02)

## An Act To Improve Consumer Protections for Community Solar Projects

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-189)  
 Committee: Energy, Utilities and Technology  
 Fiscal Note Required: Yes

### Fiscal Note

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
<b>Appropriations/Allocations</b>				
Other Special Revenue Funds	\$263,723	\$357,287	\$373,923	\$391,389
<b>Revenue</b>				
Other Special Revenue Funds	\$263,723	\$357,287	\$373,923	\$391,389

### Correctional and Judicial Impact Statements

This bill may increase the number of civil suits filed in the court system.

The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time.

The collection of additional filing fees may increase General Fund and other dedicated revenue by minor amounts.

### Fiscal Detail and Notes

This bill directs the Public Utilities Commission (PUC) to adopt consumer protection rules for customers who participate in or are solicited to participate in community solar projects through a net energy billing arrangement based upon a shared financial interest in a distributed generation resource. The PUC has indicated that it will require additional staffing to carry out enforcement provisions and the bill includes allocations of \$263,723 in fiscal year 2021-22 and \$357,287 in fiscal year 2022-23 to the PUC for one Staff Attorney position, two Senior Consumer Assistance Specialist positions and associated costs. The PUC is funded by an assessment set to produce sufficient revenue for the expenditures allocated by the Legislature for operating the PUC. The increased allocations in this bill require a corresponding increase in revenue from the assessment on transmission and distribution utilities.