

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 1328

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H.P. 980

House of Representatives, March 30, 2021

### **An Act To Protect Maine Electricity Customers from Threats of Disconnection in the Wintertime**

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

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT  
Clerk

Presented by Representative BERRY of Bowdoinham.  
Cosponsored by Senator BALDACCI of Penobscot.

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

2 **Sec. 1. 35-A MRSA §717** is enacted to read:

3 **§717. Winter terminations**

4 **1. Definition.** As used in this section, unless the context otherwise indicates, the  
5 following terms have the following meanings.

6 A. "Disconnection prohibition period" means any time between November 15th and  
7 April 15th, or during any other period when, pursuant to rules adopted under section  
8 704, the commission has prohibited a transmission and distribution utility from  
9 disconnecting residential customers or prohibited such disconnections without the  
10 permission from the consumer assistance and safety division.

11 B. "Residential customer" includes any customer account to which electric service is  
12 provided for residential purposes, regardless of whether the electricity received under  
13 that account is also used for business purposes.

14 **2. Notice of winter disconnection.** During a disconnection prohibition period, a  
15 transmission and distribution utility may not send or deliver, orally, on paper or  
16 electronically, to any residential customer of the utility any notice or communication that:

17 A. Provides for disconnection of the customer's electric service on a specified date or  
18 within a specified interval of time during a disconnection prohibition period, unless the  
19 utility has received the prior permission of the consumer assistance and safety division  
20 to make the disconnection on the specified date or within the specified interval of time;  
21 or

22 B. Makes any reference to disconnection or involuntary termination of the customer's  
23 electric service during a disconnection prohibition period, unless the notice or  
24 communication includes a prominent statement that disconnection of a residential  
25 customer's electric service during the disconnection prohibition period cannot take  
26 place without the advance permission of the consumer assistance and safety division,  
27 that the customer will be notified of any request for such permission and that the  
28 customer will have the opportunity to be heard by the consumer assistance and safety  
29 division.

30 **3. Past due accounts; assistance programs.** Notwithstanding any provision of law  
31 to the contrary, a notice to a residential customer from a transmission and distribution utility  
32 of a past due account that if not paid could lead to termination of utility service after April  
33 15th is sufficient evidence to establish eligibility for emergency general assistance as  
34 described in Title 22, chapter 1161 and for fuel assistance as described in Title 30-A,  
35 chapter 201, subchapter 13.

36 **4. Violation; penalties.** A transmission and distribution utility that violates this  
37 section is subject to a civil penalty not to exceed \$2,500, payable to the customer to whom  
38 the prohibited communication is sent. This penalty is recoverable in a civil action and is  
39 in addition to any other remedies to which the customer may be entitled.

40 **SUMMARY**

41 This bill prohibits the use by an electric transmission and distribution utility of a notice  
42 or communication to a residential customer in the winter months that threatens

1 disconnection on a specified date or within a specified time period unless the utility already  
2 has permission for the disconnection from the consumer assistance and safety division  
3 within the Public Utilities Commission. It also requires that any notice that in any way  
4 mentions disconnection during the winter months also state prominently that disconnection  
5 cannot take place without the advance permission of the consumer assistance and safety  
6 division and that the customer will be notified and heard. A violation of these requirements  
7 subjects the utility to a penalty of up to \$2,500 per violation payable to the affected  
8 customer, in addition to any other remedies to which the customer may be legally entitled.