

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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 privacy of customer information and to ensure that both owners and tenants receive appropriate information about available utility payment assistance programs. Any procedures established by the commission must apply to tenancies in which there is a written lease, and the commission shall examine how and whether to apply any procedures to tenancies at will. The commission may not modify procedures relating to utility liens for nonpayment of charges. The commission shall establish appropriate time frames for any required notices and shall make clear the penalties that will apply under existing law for violations of established procedures. In developing any procedures, the commission shall examine all existing relevant laws and rules, including the Maine Revised Statutes, Title 14, section 6024A, relating to landlord failure to pay for utility services; Title 35A, section 706, relating to disconnection of a tenant's utilities for a landlord's failure to pay for utility service; and Title 35-A, section 6111B, relating to water utilities. The commission shall also consider enhancing notice to both tenants and owners of existing assistance programs that could help in paying for utility bills, including but not limited to low-income home energy assistance programs and "lifeline" programs. The commission shall review existing voluntary agreements that allow a utility account to be transferred to a landlord if a tenant's service is disconnected. The commission shall seek to limit the number of any new notices that are provided to landlords to the fewest possible consistent with

the goals of this resolve. The commission shall examine and seek to resolve the following issues: how owners should notify utilities of the existence of rental units and whether the notice should be mandatory or voluntary; when a utility, after disconnection of a customer's service, may treat that person as no longer a customer and when policies governing the privacy of a customer's account should no longer apply; how any procedures adopted by the commission should apply to consumer-owned utilities; whether utilities should be permitted to collect a charge for providing any notifications under any new procedures adopted by the commission; whether procedures should be different for water, gas and transmission and distribution utilities; and whether a model clause for inclusion in lease agreements should be created that, if used, would allow notification to landlords of any disconnection of utility services to tenants. The commission may not establish any new fees for procedures or notices established under current law or rules; and be it further

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

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

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

SUMMARY

This amendment replaces the bill with a resolve that directs 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, to 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. The commission is directed to examine a variety of issues related to this matter and is authorized to take action pursuant to existing laws and rules or to adopt rules as necessary to achieve the goals of the resolve. The commission is required to report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 15, 2011 the results of its examination as well as any procedures established. The amendment also adds an emergency preamble and an emergency clause.

FISCAL NOTE REQUIRED

(See attached)