

## **132nd MAINE LEGISLATURE**

## FIRST SPECIAL SESSION-2025

**Legislative Document** 

No. 1964

S.P. 771

In Senate, May 13, 2025

An Act to Require the Development of a Standard Written Disclosure for Sellers and Installers of Distributed Generation Resources, to Make Changes to Other Standard Disclosures and to Make Misrepresentation in the Sale of Electricity Products an Unfair Trade Practice

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

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DAREK M. GRANT Secretary of the Senate

Presented by Senator BLACK of Franklin. Cosponsored by Representative: FOSTER of Dexter.

1	Be it enacted by the People of the State of Maine as follows:
2	Sec. 1. 10 MRSA §1250-M is enacted to read:
3	§1250-M. False representation in sale of electricity product
4 5	<b>1. Definitions.</b> As used in this section, unless the context otherwise indicates, the following terms have the following meanings.
6 7	A. "Competitive electricity provider" has the same meaning as in Title 35-A, section 3201, subsection 5.
8 9	B. "Distributed generation resource" has the same meaning as in Title 35-A, section 3481, subsection 5.
10 11 12 13	C. "Electricity product" means a distributed generation resource, energy supply by a competitive electricity provider or a similar resource. "Electricity product" does not include an electrical appliance, machinery or equipment or building efficiency services or products.
14 15	D. "Electric utility" means a transmission and distribution utility as defined in Title 35-A, section 102, subsection 20-B.
16 17 18 19 20 21	2. False representation in sale of electricity product. A person may not falsely represent the person as a representative of, as an affiliate of or as being in any way affiliated with an electric utility or as a representative of, as an official of or acting in an official capacity on behalf of a governmental agency or program, unless expressly permitted by the electric utility or governmental agency or program, when selling, offering to sell, leasing, installing or entering into any other financial arrangement regarding an electricity product.
22 23	<b>3.</b> Unfair trade practice. A violation of this section constitutes a violation of the Maine Unfair Trade Practices Act.
24 25	<b>Sec. 2. 35-A MRSA §3203, sub-§4, ¶G-1,</b> as enacted by PL 2021, c. 108, §5 and reallocated by RR 2021, c. 2, Pt. A, §123, is amended to read:
26 27 28 29 30 31	G-1. May not enter, or allow any of the provider's 3rd-party sales agents on the provider's behalf, to enter, into an agreement to provide service to a residential or small commercial consumer when that service is solicited using door-to-door sales without providing the consumer with a standard disclosure form, in a format prescribed by the commission by rule, that meets the requirements of this paragraph. The standard disclosure form requirements include, but are not limited to, the following:
32	(1) A type size that is no less than 14 points;
33 34	(2) Contact information, including the telephone numbers for the competitive electricity provider, the commission and the Office of the Public Advocate;
35 36 37 38	(3) A telephone number and publicly accessible website where the consumer may obtain information on the current standard-offer service rate and expiration date and the publicly accessible website for electricity supply information available through the Office of the Public Advocate;
39 40	(4) Information regarding the consumer's right to rescind service as provided in paragraph C;

1	(5) The When applicable, the registration number of the 3rd-party sales agent
2	issued by the commission pursuant to subsection 2 and any transient seller's license
$\frac{2}{3}$	number issued by the Department of Professional and Financial Regulation
4	pursuant to Title 32, chapter 128, subchapter 2; and
5	(6) Any other information the commission determines is necessary; and
6 7	(7) For a residential consumer, information regarding consumer protections under subsection 4-B; and
8	Sec. 3. 35-A MRSA §3209-A, sub-§5, ¶B, as enacted by PL 2021, c. 107, §2, is
9	amended to read:
10	B. Must provide to a residential customer such information as the commission may
11	require by rule or order in a standard disclosure form before entering into an agreement
12	with the residential customer to participate in a net energy billing arrangement based
13	upon a shared financial interest in a distributed generation resource; a standard
14	disclosure form, in a format prescribed by the commission by rule, which must include,
15	but is not limited to, the following:
16	(1) The name and telephone number of the project sponsor or the project sponsor's
17	representative;
18	(2) The name and location of the project;
19	(3) Information regarding billing by the project sponsor and information on how
20	net energy billing works; and
21	(4) Any other information the commission determines is necessary;
22 23	<b>Sec. 4. 35-A MRSA §3209-A, sub-§5,</b> as enacted by PL 2021, c. 107, §2, is amended by enacting at the end a new first blocked paragraph to read:
24	Notwithstanding any provision of this section to the contrary, rules adopted by the
25	commission pursuant to this subsection are routine technical rules as defined in Title 5,
26	chapter 375, subchapter 2-A.
27	Sec. 5. 35-A MRSA §3218 is enacted to read:
28	§3218. Standard written disclosure for sale or installation of distributed generation
29	resources
30	1. Standard written disclosure. A person who sells and installs distributed
31	generation resources shall prior to a sale provide to the customer a completed standard
32	written disclosure as prescribed by the Attorney General. For the purposes of this section,
33	"distributed generation resource" has the same meaning as in section 3209-A, subsection
34	1, paragraph B.
35	2. Disclosure requirements; rules. The Attorney General shall adopt rules to carry
36	out the purposes of this section. The rules must include a standard written disclosure for
37	the sale and installation of a distributed generation resource. The standard written
38	disclosure requirements include, but are not limited to, the following:
39	A. The name of the seller and contact information of the seller or a representative of
40	the seller and the name of the facility;

1 2	B. A plain language summary of pertinent requirements and time frames regarding small interconnection procedures;
3 4	<u>C. A good faith cost summary or estimate of system interconnection costs for which</u> the customer may be responsible;
5 6 7	D. A statement of the rights and responsibilities of the seller, customer and transmission and distribution utility pertinent to the engagement or interconnection with the facilities of the transmission and distribution utility;
8 9 10	E. A description of any dispute resolution mechanisms, including information relating to the interconnection ombudsman under section 3474, subsection 4, available to the seller, customer and transmission and distribution utility;
11 12	F. Clearly described terms and conditions of any financial agreement associated with the sale, lease or installation of a distributed generation resource;
13 14 15	<u>G. Signature lines for the seller and customer attesting that the seller provided, and the customer received, the standard written disclosure prior to the sale of the distributed generation resource;</u>
16 17	H. A notice that the seller will notify the customer of when the project is operational and the customer's subscription or service is active; and
18	I. Any other information the Attorney General determines is necessary.
19 20	<u>Rules adopted pursuant to this subsection are routine technical rules under Title 5, chapter</u> <u>375, subchapter 2-A.</u>
21 22	3. Violation. A violation of this section is a violation of the Maine Unfair Trade Practices Act.
23 24 25 26	<b>Sec. 6.</b> Public Utilities Commission; rules. The Public Utilities Commission shall initiate rulemaking to implement the Maine Revised Statutes, Title 35-A, section 3203, subsection 4, paragraph G-1 and Title 35-A, section 3209-A, subsection 5, paragraph B within 90 days of the effective date of this Act.
27 28 29	<b>Sec. 7. Attorney General; rules.</b> The Attorney General shall initiate rulemaking to implement the Maine Revised Statutes, Title 35-A, section 3218, subsection 2 within 90 days of the effective date of this Act.
30	SUMMARY
31 32 33 34	This bill makes misrepresentation as a representative or affiliate of an electric utility or representative or official of a governmental agency or program when selling, offering to sell, leasing, installing or entering into any other financial arrangement regarding an electricity product a violation of the Maine Unfair Trade Practices Act.
35 36 37 38	The bill changes the information that must be included in a standard disclosure form provided by competitive electricity providers to residential and small commercial consumers and requires the disclosure form to be in a format prescribed by the Public Utilities Commission by rule.
39 40 41	The bill provides information that must be included in a standard disclosure form to be provided by project sponsors to net energy billing customers and requires the form to be in a format prescribed by the Public Utilities Commission by rule.

- 1 The bill requires the Attorney General to develop by rule a standard written disclosure 2 to be provided to customers by persons who sell or install distributed generation resources
- 3 and provides information that must be included in the standard written disclosure.