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Date: (Filing No. H- )

**ENERGY, UTILITIES AND TECHNOLOGY**

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

COMMITTEE AMENDMENT “ ” 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

**COMMITTEE AMENDMENT**

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

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

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

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

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

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

19 **Sec. 4. Net energy billing; consumer protection rules.** Notwithstanding the  
20 Maine Revised Statutes, Title 35-A, section 3209-A, rules initially adopted by the Public  
21 Utilities Commission to implement this Act are routine technical rules as defined in Title  
22 5, chapter 375, subchapter 2-A. Amendments or changes to those rules after that initial  
23 adoption are major substantive rules in accordance with Title 35-A, section 3209-A.

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

26 **PUBLIC UTILITIES COMMISSION**

27 **Public Utilities - Administrative Division 0184**

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

30 <b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2021-22</b>	<b>2022-23</b>
31 POSITIONS - LEGISLATIVE COUNT	3,000	3,000
32 Personal Services	\$239,384	\$332,704
33 All Other	\$24,339	\$24,583
34		
35 OTHER SPECIAL REVENUE FUNDS TOTAL	\$263,723	\$357,287

36 ' ,

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

39 **SUMMARY**

40 This amendment clarifies the enforcement of provisions governing project sponsors in  
41 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)**