

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
H.P. 370 - L.D. 507

An Act To Improve Consumer Protections for Community Solar Projects

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

Sec. 1. 35-A MRSA §3209-A, sub-§1, ¶D is enacted to read:

D. "Project sponsor" means an entity or its successor or assignee that solicits customers to participate in a net energy billing arrangement based upon a shared financial interest in a distributed generation resource.

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 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.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
POSITIONS - LEGISLATIVE COUNT	3,000	3,000
Personal Services	\$239,384	\$332,704
All Other	\$24,339	\$24,583
OTHER SPECIAL REVENUE FUNDS TOTAL	\$263,723	\$357,287