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Legislative Document

No. 826

H.P. 577

House of Representatives, March 5, 2013

An Act To Eliminate the Opt-out Charges for Smart Meters

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BEAVERS of South Berwick.
Cosponsored by Senator JACKSON of Aroostook and
Representatives: BOLAND of Sanford, DUNPHY of Embden, HARVELL of Farmington,
McGOWAN of York, NEWENDYKE of Litchfield, RUSSELL of Portland, RYKERSON of
Kittery, Senator: SAVIELLO of Franklin.

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

2 **Sec. 1. 35-A MRSA §3104, sub-§2**, as enacted by PL 2003, c. 412, §1, is
3 amended to read:

4 **2. Requirement.** ~~An~~ Except as provided in section 3144, subsection 3, an investor-
5 owned transmission and distribution utility shall adopt and ordinarily follow as a general
6 operating policy a schedule of reading customer meters on a monthly basis. Any
7 investor-owned transmission and distribution utility that plans to adopt a different policy,
8 such as bimonthly meter readings, must receive prior approval of the commission.

9 **Sec. 2. 35-A MRSA §3144** is enacted to read:

10 **§3144. Certain meter fees prohibited; alternate billing**

11 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
12 following terms have the following meanings.

13 A. "Electromechanical meter" means a meter used to measure electricity
14 consumption that is not a wireless smart meter.

15 B. "Wireless smart meter" means an advanced metering infrastructure device to
16 measure electricity consumption that uses radio frequency methods of wireless
17 communication to report that consumption.

18 **2. Prohibition.** A transmission and distribution utility may not charge a customer a
19 fee or a higher rate for declining the installation of a wireless smart meter or for the
20 removal of a wireless smart meter and may not include any costs associated with these
21 actions in rates charged to a customer.

22 **3. Meter reading and rate collection method.** Notwithstanding section 3104,
23 subsection 2, a transmission and distribution utility may establish an electromechanical
24 meter reading and rate collection method in accordance with this subsection.

25 A. A transmission and distribution utility may not read an electromechanical meter
26 less frequently than once every 12 months.

27 B. A transmission and distribution utility may establish a monthly billing method
28 under which a customer's bill is based on an average of the customer's previous
29 electricity consumption. The average may not be based on more than the previous 18
30 months of the customer's electricity consumption.

31 C. If a transmission and distribution utility establishes an electromechanical meter
32 reading and rate collection method pursuant to this subsection, it shall also establish a
33 process by which it provides a refund to the customer if, based on the meter reading
34 under paragraph A, the customer's bill under paragraph B results in overpayment to
35 the transmission and distribution utility; if the customer's bill results in underpayment
36 to the transmission and distribution utility, the transmission and distribution utility
37 may bill the difference to the customer.

