

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1309

S.P. 539

In Senate, March 27, 2025

An Act to Increase the Membership of the Public Utilities Commission to 5 Members

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

A handwritten signature in black ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BALDACCI of Penobscot.
Cosponsored by Senator: LAWRENCE of York, Representatives: BRIDGEO of Augusta,
GEIGER of Rockland, O'HALLORAN of Brewer, RUNTE of York.

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

2 **Sec. 1. 35-A MRSA §103, sub-§1**, as enacted by PL 1987, c. 141, Pt. A, §6, is
3 amended to read:

4 **1. Establishment.** There is established the Public Utilities Commission, which ~~shall~~
5 ~~consist~~ consists of 3 5 members.

6 **Sec. 2. 35-A MRSA §105, sub-§1**, as enacted by PL 1987, c. 141, Pt. A, §6, is
7 amended to read:

8 **1. Appointment.** The Governor shall appoint 3 5 members to the Public Utilities
9 Commission. At least one member must have significant experience in the field of
10 renewable energy development in the State and one member must have significant
11 experience in the field of consumer advocacy or public interest law. The appointments ~~shall~~
12 ~~be~~ are subject to review by the joint standing committee of the Legislature having
13 jurisdiction over public utilities and to confirmation by the Legislature. ~~Members of the~~
14 ~~commission~~ Commissioners shall devote full time to their duties.

15 **Sec. 3. 35-A MRSA §105, sub-§2, ¶A**, as enacted by PL 1987, c. 141, Pt. A, §6,
16 is amended to read:

17 A. ~~Each term shall end~~ Commissioners are appointed for terms of 6 years, and each
18 term ends on March 31st of the 6th year of the term. ~~The terms shall be staggered so~~
19 ~~that one ends in 1987 and every 6 years thereafter, one ends in 1989 and every 6 years~~
20 ~~thereafter, and one ends in 1991 and every 6 years thereafter.~~

21 **Sec. 4. 35-A MRSA §108-B, first ¶**, as enacted by PL 2013, c. 554, §1, is amended
22 to read:

23 If the commission is unable to maintain a quorum for reasons as described in subsection
24 1, the Governor shall appoint 3 5 alternate commissioners who may serve as temporary
25 commissioners in accordance with this section.

26 **Sec. 5. 35-A MRSA §108-B, sub-§1**, as enacted by PL 2013, c. 554, §1, is amended
27 to read:

28 **1. Selection of alternate commissioners.** If 2 3 or more commissioners, due to a
29 conflict of interest, disability or other reason, are unable to serve in a proceeding, which
30 results in the commission being unable to maintain a quorum as provided under section
31 108-A, the commission shall report this information to the Governor and post this
32 information on its publicly accessible website. Once the Governor is notified of the lack
33 of a quorum for a particular proceeding, the Governor shall appoint 3 5 alternate
34 commissioners, each of whom may serve as a temporary commissioner in that particular
35 proceeding. All appointed alternate commissioners must be retired judges or justices who
36 are subject to review by the joint standing committee of the Legislature having jurisdiction
37 over public utilities matters and to confirmation by the Legislature. Once the alternate
38 commissioners are confirmed by the Legislature, the commission shall, in a transparent
39 manner, randomly assign from the alternate commissioners one alternate commissioner to
40 be the first alternate commissioner, one alternate commissioner to be the 2nd alternate
41 commissioner ~~and~~, one alternate commissioner to be the 3rd alternate commissioner, one
42 alternate commissioner to be the 4th alternate commissioner and one alternate
43 commissioner to be the 5th alternate commissioner and send this information to the

1 Governor. Following the receipt of this information, the Governor shall appoint alternate
2 commissioners as temporary commissioners in the assigned order, until the number of
3 temporary commissioners needed to reach a quorum is reached. If, for good cause, an
4 alternate commissioner is unable to serve as a temporary commissioner, the Governor shall
5 appoint the next assigned alternate as a temporary commissioner.

6 **Sec. 6. Staggered terms; powers and duties.** The commissioners serving on the
7 Public Utilities Commission on the effective date of this Act continue to serve until their
8 terms expire and successors are appointed. Notwithstanding the Maine Revised Statutes,
9 Title 35-A, section 105, subsection 2, paragraph A, of the 2 additional appointments made
10 pursuant to this Act, one appointment must be made in 2026 for a term of 6 years and one
11 appointment must be made in 2027 for a term of 6 years.

12 SUMMARY

13 This bill increases the membership of the Public Utilities Commission from 3 to 5
14 members, one of whom must have significant experience in the field of renewable energy
15 development in the State and one of whom must have significant experience in the field of
16 consumer advocacy or public interest law. The 2 additional members are appointed in 2026
17 and 2027 to 6-year terms.