

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

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Legislative Document

No. 1495

S. P. 464

In Senate, March 19, 1973

Referred to Committee on State Government. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Brennan of Cumberland.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

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**AN ACT Establishing a Consumers' Council.**

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

**Sec. 1. R. S., T. 10, c. 212, additional.** Title 10 of the Revised Statutes is amended by adding a new chapter 212 to read as follows:

**CHAPTER 212**

**CONSUMERS' COUNCIL**

§ 1361. **Membership**

There is created a "Consumers' Council," hereinafter in this chapter called the "council" consisting of 7 voting members to be appointed by the Governor, with the advice and consent of the Council, for terms concurrent with that of the Governor, one of whom shall be a member of a union affiliated with the AFL-CIO and no more than 4 of whom shall be members of the same major political party, and ex officis, but not voting members, the Attorney General, the Chairman of the Public Utilities Commission, the Bank Commissioner, the Insurance Commissioner, the Director of the Bureau of Labor and Industry and the Commissioner of Agriculture. Four voting members of the council shall constitute a quorum and the affirmative vote of 4 voting members shall be necessary for any action taken by the council. The council shall report annually to the Governor and the Legislature on the operations and activities of the council and shall make suggestions for improvements in its organization and functions.

The chairman shall be designated by the Governor. Said members shall serve without compensation, but shall receive their expenses necessarily in-

curred in the performance of their duties. The council shall meet monthly and at other times at the call of the chairman.

§ 1362. Duties

The council shall conduct studies, investigations and research and advise the executive and legislative branches in matters affecting consumer interests, coordinate consumers' services carried on by departments and agencies, promote ethical business and trade practices, further consumer education, inform the public, through appearances before federal and state committee, commission or department hearings, or otherwise, of such policies, decisions or legislation as are beneficial or detrimental to consumers, inform the Governor and the Attorney General and other law enforcement agencies of such violations of laws or regulations affecting consumers as its investigations or studies may reveal, study and report all matters referred to it by the Legislature or the Governor, and secure all available information on utility rates, interest rates, insurance rates, transportation rates and services, and cost of commodities and services and make such information available to the public. The council may appear, through its chairman or a member or person designated by him, or through the Attorney General, for and in behalf of the people of the State before boards, commissioners, commissions, departments or agencies of the State in any hearing or matter affecting the rights of the consuming public or in any proceeding seeking the curtailment of transportation services or an increase of rates or costs of services or commodities, and shall be deemed an aggrieved party for the purpose of judicial or administrative review of any decision or ruling in any such proceedings in which it has so appeared, any other provision of law to the contrary notwithstanding. The council may appoint an executive secretary who shall not be subject to the Personnel Law, and shall, with the approval of the Governor and Council, fix his salary. The council may appoint such other assistants under the Personnel Law as it deems necessary to carry out this chapter. The chairman, with the approval of the council, may also from time to time, engage experts for assistance in any specific matter at reasonable rates of compensation. Said council shall be provided with offices in the State House or elsewhere in the City of Augusta. It may call upon any department, board, commission or officer of the State, or of any political subdivision of the State, for such information as it may desire in the course of its duties.

§ 1363. Public hearings; rules

The council may hold public hearings and shall establish rules of procedure governing the conduct of its hearings, which shall be made available in printed form to each witness prior to his testimony. Witnesses shall have the right to be represented by counsel and shall before testifying be sworn. The Governor may request of the Attorney General such legal assistance as may be necessary in carrying out the duties and functions of the council. The chairman may apply to the Superior Court to order any person, firm, association or corporation whom he reasonably believes may be able to give information relating to a matter under investigation to appear before the council, there to produce for its use evidence in accordance with the terms of such order. Any failure to obey such order of the Superior Court may be punished by said court as a contempt thereof.

§ 1364. Authority to accept funds

The council may apply for and accept funds for its use from the Federal Government and organizations not organized for profit for the purpose of supplementing its activities under this chapter.

Sec. 2. **Appropriation.** There is appropriated from the General Fund to the Consumers' Council the sum of \$59,000 to carry out the purposes of this Act. The breakdown shall be as follows:

	1973-74	1974-75
<b>CONSUMERS' COUNCIL</b>		
Personal Services	(2) \$20,000	(2) \$25,000
All Other	5,000	7,000
Capital Expenditures	1,000	1,000
	<hr/> \$26,000	<hr/> \$33,000

STATEMENT OF FACT

A consumers' council is needed to protect consumers by providing information; conducting investigations; representing consumers at hearings; recommending legislation and coordinating the efforts of all state agencies dealing with consumer affairs.