

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 594

H. P. 528

House of Representatives, February 3, 1981

Referred to the Committee on Public Utilities. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Cunningham of New Gloucester.

Cosponsor: Representative McGowan of Pittsfield.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Authorize in Proceedings before the Public Utilities Commission the Appearance by an Officer or Employee of a Corporation or Partnership.

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

35 MRSA § 315 is enacted to read:

§ 315. Appearance by officer or employee of corporation or partnership

Notwithstanding Title 4, section 807, the authorized appearance of an officer or employee of a corporation or partnership in any hearing, action or proceeding before the commission in which the corporation or partnership is participating or desires to participate is not deemed to be an unauthorized practice of law and is not subject to any criminal sanction. In order to facilitate the efficient processing of any proceeding, the commission may, in its discretion, require the appearance of counsel on behalf of the corporation or partnership.

STATEMENT OF FACT

This bill allows a corporation or partnership to appear in any proceeding before the Public Utilities Commission through an authorized officer or employee of the corporation or partnership. Under existing law, such an appearance would be

deemed to be the unauthorized practice of law subject to criminal sanctions. This bill also gives the commission the discretionary power to require the appearance of counsel in order to promote the efficient processing of the proceeding. The bill does not have any effect on the existing Maine Rules of Civil Procedure governing visiting attorneys.