

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
New Draft of: S. P. 439, L. D. 1279  
FIRST REGULAR SESSION

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ONE HUNDRED AND TENTH LEGISLATURE

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**Legislative Document**

**No. 1652**

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S. P. 637

In Senate, May 22, 1981

Reported by Senator Trotzky of Penobscot from the Committee on Public Utilities and printed under Joint Rules No. 2.

MAY M. ROSS, Secretary of the Senate

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STATE OF MAINE

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

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**AN ACT to Restructure the Public Utilities Commission.**

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**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment, unless enacted as emergencies; and

Whereas, the Public Utilities Commission is or soon will be considering major cases which will have an effect on all utility ratepayers in the State of Maine; and

Whereas, energy consumption in the State is a severe problem, which is greatly influenced by decisions of the Public Utilities Commission; and

Whereas, consumer confidence in the Public Utilities Commission is lower than it should be for an agency with its responsibility to regulate monopoly utilities in the public interest; and

Whereas, the terms of the commissioners have become bunched so they do not ensure a regular rotation of commissioners; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1.** 35 MRSA § 1, first sentence, as last amended by PL 1975, c. 771, § 390, is further amended to read:

The Public Utilities Commission, as heretofore established, shall consist of 3 members appointed by the Governor, subject to review by the ~~Joint Standing Committee on Public Utilities~~ **legislative committee having jurisdiction over public utilities** and to confirmation by the Legislature from time to time upon the expiration of the terms of the several members, for terms of ~~7~~ 6 years and all 3 members of the commission shall devote full time to their duties.

Sec. 2. 35 MRSA § 1, as last amended by PL 1975, c. 771, §§ 390, 391 and 392, is further amended by adding after the first sentence 2 new sentences to read:

**Each term shall end on June 30th of the 6th year of the term, even if the incumbent continues to serve until a successor is confirmed. Each term shall commence on July 1st, even if no successor has been confirmed.**

Sec. 3. 35 MRSA § 2-A is enacted to read:

**2-A. Annual report.** By February 1st of each year, the commission shall submit to the Governor and, through the legislative committee having jurisdiction over public utilities, to the Legislature, a report of its activities and operations for the previous calendar year.

Sec. 4. 35 MRSA § 3 is amended to read:

### § 3. Rules; assistance

The commission may make all necessary rules ~~and regulations~~ and may employ such expert, professional or other assistance as is necessary in making investigations or in otherwise carrying out ~~chapters 1 to 17~~ **the provisions of this Title.**

Sec. 5. **Transition provisions.** The terms of the incumbent commissioners as of the effective date of this Act shall be adjusted as follows. The term of the commissioner which would otherwise end in July, 1982 shall end on June 30, 1981. The term of the commissioner which would otherwise end in May, 1984 shall end on June 30, 1983. The term of the commissioner which would otherwise end in February, 1985 shall end on June 30, 1985. Any vacancy occurring in any of these terms before the term has expired as provided in this section shall be filled by appointment for the unexpired portion of that term.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

### STATEMENT OF FACT

The new draft retains a 3-member commission, as at present, but it increases the accountability of the Public Utilities Commission by shortening the commissioners' terms from 7 years to 6 years and placing them on a fixed, staggered rotation so that one will be appointed in each odd-numbered year.

A transitional provision is included which modifies the terms of the present commissioners to allow for new appointments in July of 1981, 1983 and 1985.

The removal provision of the original bill was dropped because there is already ample provision in the Constitution of Maine, Article IX, Section 5 and the Revised Statutes, Title 35, section 2.

The new draft also requires the PUC to submit an annual report to the Governor and the Legislature. It also clarifies the rulemaking authority of the commission.

The new draft drops the public advocate and the Maine Commission on Energy Future from the original bill.

An emergency preamble and emergency clause are added in order to get the advantage of the new structure as soon as possible.