

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TENTH LEGISLATURE
4

5 **Legislative Document**

No. 1748

6
7 S. P. 745 Office of the Secretary of the Senate
8 Approved for introduction by the Legislative Council pursuant to
Joint Rule 26.

Reference to the Committee on Public Utilities suggested and 1,600
Ordered Printed.

9 MAY M. ROSS, Secretary of the Senate
10 Presented by Senator Devoe of Penobscot.
11

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-TWO
16

17 **AN ACT to Create a Commission to Prepare**
18 **a Revision of the Public Utilities Law.**
19

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

21 **Sec. 1. Commission; duties.** A special commission, to
22 be known as the Public Utilities Law Revision Commission,
23 shall be constituted and appointed to supervise the prepara-
24 tion, in final legislative draft form, of a proposed Public
25 Utilities Code for this State, the proposed code to be pre-
26 sented to the Second Regular Session of the 111th Legis-
27 lature. The proposed Public Utilities Code shall include
28 and consist of a complete revision, redraft and
29 rearrangement of all sections of the Revised Statutes per-
30 taining to public utilities. The proposed Public Utilities
31 Code may, without limitation, incorporate such necessary
32 repealers, amendments and modifications of existing laws as,
33 in the judgment of the commission, are necessary and appro-
34 priate to accomplish these purposes. The proposed code may
35 include such new or modified provisions as, in the judgment
36 of the commission, will best serve the interests of the
37 people of the State, and the commission shall give due con-

1 sideration to the public utilities laws of other states, and
2 the requirements for enforcement and administration thereof.
3 The commission shall employ a chief counsel, and, subject to
4 his recommendations, such additional counsel or consultants
5 as may be required, to perform the necessary research and
6 drafting of the code. The commission shall hold such public
7 hearings as may be deemed necessary to acquaint the public
8 with its work and to receive such oral or written comments
9 as the public may submit. It is the purpose and intent
10 hereof to provide the commission with sufficient authority
11 and funds to enable it to present to the Legislature a fully
12 modern, integrated and consistent Public Utilities Code.

13 **Sec. 2. Membership.** The membership of the commission
14 shall consist of 14 persons. The Governor shall appoint the
15 members of the commission as follows: Four members shall be
16 qualified by reason of common sense and broad experience in
17 everyday affairs as representative of the commercial and
18 residential consumers of the services provided by public
19 utilities; 4 members shall be representative of the enter-
20 prises presently regulated by the Public Utilities Commis-
21 sion; 2 members shall be qualified by reason of training and
22 experience in the fields of economics or finance, or both;
23 one member shall be a member of the bar, who shall have pro-
24 fessional experience in the representation of clients before
25 the Public Utilities Commission; one member shall be se-
26 lected from the legal staff of the Public Utilities Commis-
27 sion; one member shall be selected from the Department of
28 the Attorney General; and the Chairman of the Public Utili-
29 ties Commission shall be a member of the commission ex
30 officio. Members shall serve for a term of 2 years and may
31 be reappointed by the Governor. In the event of the death
32 or resignation of any member, the vacancy for his unexpired
33 term shall be filled by the Governor. Eight members of the
34 commission shall constitute a quorum.

35 **Sec. 3. Meetings.** The commission shall be appointed
36 promptly on enactment hereof, and the Governor shall notify
37 all members of the time and place of the first meeting. At
38 that time, the commission shall organize, elect a chairman,
39 vice-chairman and secretary-treasurer, and adopt rules as to
40 the administration of the commission and its affairs. The
41 commission shall maintain minutes of its meetings, and such
42 financial records as may be required by the State Auditor,
43 and shall report periodically its progress to the Governor.

44 **Sec. 4. Chief counsel.** The commission shall contract
45 for the services of a chief counsel, who need not be a resi-
46 dent of this State and who shall have the responsibility for

1 legal advice, research and drafting required in connection
2 with the preparation of the proposed Public Utilities Code,
3 under the direction and supervision of the commission. No
4 person may be employed as chief counsel who has not, by
5 virtue of prior training, experience, ability and reputa-
6 tion, clearly demonstrated the ability to perform the ser-
7 vices required by the commission.

8 **Sec. 5. Consultants.** The commission may, as needed,
9 contract for the services of consultants, who need not be
10 residents of this State. No person or organization may be
11 employed as a consultant who has not, by virtue of prior
12 training, experience, ability and reputation, clearly demon-
13 strated the ability to perform the services required by the
14 commission.

15 **Sec. 6. Reimbursement of expenses.** The members of the
16 commission shall serve without compensation, but may be
17 reimbursed for their reasonable expenses in attending meet-
18 ings, procuring supplies, correspondence and other related
19 and necessary expenditures.

20 **Sec. 7. Appropriation.** There is appropriated from the
21 General Fund the sum of \$50,000 for the fiscal year ending
22 June 30, 1984, to carry out the purposes of this Act.

23

Statement of Fact

24 The purpose of this bill is to create and to fund a
25 Public Utilities Law Revision Commission. The purpose of
26 the commission is to undertake a thorough and fundamental
27 review of the public utilities law, and to propose legis-
28 lation that will result in a more effective legal framework
29 for the regulation and delivery of public utilities services
30 on the most efficient and least expensive basis possible.