

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1321

7 S.P. 495

In Senate, April 16, 1985

8 Submitted by the Public Utilities Commission pursuant to Joint Rule 24.
9 Referred to the Committee on Utilities. Sent down for concurrence and
ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Baldacci of Penobscot.

11 Cosponsored by Representative McHenry of Madawaska, Representative
Clark of Millinocket and Representative Weymouth of West Gardiner.

12 STATE OF MAINE
13

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

17 AN ACT to Authorize the Public Utilities
18 Commission to Act on an Expedited
19 Basis in Certain Cases.
20

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

23 35 MRSa §316 is enacted to read:

24 §316. Temporary orders

25 Pending the conclusion of a proceeding commenced
26 pursuant to section 291, 296 or 298, the commission
27 may issue an order temporarily changing or suspending
28 a utility rule, measurement, practice, act or ser-
29 vice. In making such an order, the commission shall
30 consider the likelihood that such an order would be
31 issued at the conclusion of the proceeding, the bene-
32 fit to the public or affected customers compared to
33 the harm to the utility or other customers of issuing
34 such an order and the public interest. If the order
35 is issued without holding a prior hearing, the com-

1 mission shall hold a hearing within 60 days after the
2 order is issued in order to determine whether it
3 shall remain effective until the conclusion of the
4 proceeding.

5 STATEMENT OF FACT

6 The Maine Revised Statutes, Title 35, section 294
7 now requires the Public Utilities Commission to hold
8 a formal public hearing before ordering a public
9 utility to establish, cease or change an act or prac-
10 tice. This bill authorizes the commission to issue a
11 temporary order in special circumstances pending com-
12 pletion of a formal proceeding. The commission is re-
13 quired to take into account similar factors consid-
14 ered by a court in deciding whether to issue a tempo-
15 rary order or stay. The temporary order remains in
16 effect until the conclusion of the formal proceeding
17 or until dissolved by the commission. If the order
18 was issued without holding a prior hearing, the com-
19 mission must hold a hearing within 60 days in order
20 to determine whether the temporary order should re-
21 main in effect until the conclusion of the formal
22 proceeding.

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