

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)

D. OF R.

1

L.D. 1723

2

(Filing No. S-424)

3

STATE OF MAINE

4

SENATE

5

112TH LEGISLATURE

6

SECOND REGULAR SESSION

7

COMMITTEE AMENDMENT " A " to S.P. 669, L.D.

8

1723, Bill, "AN ACT to Make Changes in the Laws Govern-

9

ing Public Utilities."

10

Amend the bill in section 4, in the 9th line from
the end (page 3, line 31 in L.D.) by inserting after
the underlined word "class" the following: 'and
copies shall be sent to the commission at least 14
days prior to the hearings'

11

12

13

14

15

Further amend the bill by striking out all of
section 5.

16

17

Further amend the bill in section 6, by striking
out all of the 3rd and 4th paragraphs (page 4, lines
27 to 43 in L.D.) and inserting in their place the
following:

18

19

20

21

'The commission may approve a contract or arrangement
undertaken subsequent to the effective date of this
Act, subject to such terms and conditions and
requirements as it deems necessary to safeguard the
public interest. If such contracts or arrangements
are not consented to or approved by the commission as
provided in this section, the commission may disal-
low, for rate-making purposes, payments or such part
of any such payments thereunder as the commission
finds not to be in the public interest, and the com-
mission may, after notice to the affected parties and
opportunity for hearing, declare that contract or ar-
rangement prospectively void. Unless otherwise
invalid, that contract or arrangement shall remain in
full force and effect until declared prospectively
void and of no further effect by an effective final
order of the commission issued under this section no
later than 90 days from the date of service of the

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

D. OF R.

COMMITTEE AMENDMENT "A" to S.P. 669, L.D. 1723

1 notice.

2 The commission shall, in the case of any utility or
3 groups of utilities, have the power to exempt
4 herefrom, from time to time, such classes of transac-
5 tions as it may specify by rule or ~~regulation~~ order
6 in advance and which in its judgment will not be ad-
7 verse to the public interest.'

8 Further amend the bill by striking out all of
9 sections 7, 8 and 9 and inserting in their place the
10 following:

11 'Sec. 7. 35 MRSA §175 is enacted to read:

12 §175. Approval of capital leases

13 No capital lease, entered into by a public utili-
14 ty for a term of more than 3 years, of property hav-
15 ing a fair value the greater of \$50,000 or 1% of the
16 public utility's total long-term debt is valid with-
17 out the written approval of the commission. The com-
18 mission's procedure and standards governing approval
19 shall be similar to those which apply to applications
20 under section 171.

21 Sec. 8. 35 MRSA §292, as amended by PL 1983, c.
22 141, §2, is repealed and the following enacted in its
23 place:

24 §292. Notice of complaint

25 The commission, immediately upon the filing of a
26 complaint, shall notify in writing the public utility
27 complained of that a complaint has been made and of
28 the nature of the complaint. The utility shall file
29 its response to the complaint within 10 days of the
30 date the notice of complaint is issued. After re-
31 ceipt of the response, if the commission is satisfied
32 that the utility has taken adequate steps to remove
33 the cause of the complaint or that the complaint is
34 without merit, the complaint may be dismissed. If

D. 07 12

COMMITTEE AMENDMENT " A " to S.P. 669, L.D. 1723

1 the complaint is not dismissed, the commission shall
2 promptly set a date for a public hearing. The com-
3 mission may allow for all parties to attempt to re-
4 solve the complaint to their mutual satisfaction. If
5 a mutually satisfactory resolution does not appear to
6 be forthcoming, the hearing shall be held on the com-
7 plaint pursuant to section 293. In the absence of an
8 informal disposition pursuant to Title 5, section
9 9053, the commission shall render a decision upon the
10 complaint no later than 9 months after its filing.'

11 Further amend the bill in section 10, in that
12 part designated "§355." in the first paragraph, in
13 the 2nd line (page 6, line 26 in L.D.) by inserting
14 after the word "shall" the underlined word
15 'knowingly' and in the 4th line (page 6, line 28 in
16 L.D.) by inserting after the word "shall" the under-
17 lined word 'knowingly' and in the 3rd line from the
18 end (page 6, line 32 in L.D.) by inserting after the
19 underlined figure "500" and before the underlined
20 words "or by" the following: 'nor more than \$10,000'

21 Further amend the bill by striking out all of
22 sections 13 and 15.

23 Further amend the bill by renumbering the sec-
24 tions to read consecutively.

25 STATEMENT OF FACT

26 The amendment adds a requirement in section 4
27 that when municipal and quasi-municipal water utili-
28 ties set rates locally, copies of the hearing notice
29 shall be sent to the Public Utilities Commission 14
30 days in advance.

31 The amendment deletes sections 5, 13 and 15 which
32 deal with the contingency fund for water utilities
33 because that is covered in L.D. 1674.

