

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1066

H.P. 794 House of Representatives, April 1, 1987
Reference to the Committee on Utilities suggested and
ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative CONNOLLY of Portland.

STATE OF MAINE

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

1 AN ACT to Create a Code of Ethics for Public
2 Utilities Commissioners.
3

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

6 35 MRSA c. 2 is enacted to read:

7 CHAPTER 2

8 CODE OF ETHICS FOR PUBLIC UTILITIES COMMISSIONERS

9 §31. Provisions to avoid impropriety and the appear-
10 ance of impropriety

11 A commissioner shall avoid impropriety and the
12 appearance of impropriety by adhering to the follow-
13 ing guidelines.

1 1. Familial; social relationships. A commis-
2 sioner shall not allow his familial, social or other
3 relationships to influence his conduct or judgment.
4 A commissioner shall not lend the prestige of his of-
5 fice to advance the private interests of others, nor
6 shall he convey or permit others to convey the im-
7 pression that they are in a special position to in-
8 fluence him. He shall not testify voluntarily as a
9 character witness.

10 2. Appearance of impropriety. A commissioner
11 shall avoid the appearance of impropriety. A commis-
12 sioner shall not socialize, exchange gifts or meals
13 or in other ways permit or engage in meetings, con-
14 versations or other opportunities to speak directly
15 with executives or other representatives of utility
16 companies which are subject to regulation by the Pub-
17 lic Utilities Commission.

18 §32. Standards of impartiality

19 1. Ex parte communications. As soon as a com-
20 missioner is aware, either publicly or privately, of
21 a proposal or other action which may come before the
22 commission, he shall not permit ex parte communica-
23 tions intended to influence commission decisions and
24 other commission actions.

25 2. Public comment. A commissioner shall abstain
26 from public comment about a pending or impending mat-
27 ter or proceeding of the commission or any potential
28 proceeding if there is reason to believe that it may
29 come before the commission. Notwithstanding this
30 subsection, a commissioner is not prohibited from
31 making public statements in the normal course of his
32 official duties or from explaining, for public infor-
33 mation, the procedures of the commission, including
34 how ratepayers may participate in commission proceed-
35 ings.

36 3. Disqualification. A commissioner shall dis-
37 qualify himself in any proceeding in which he has
38 reason to believe that he could not act with complete
39 impartiality or in a proceeding in which his impar-
40 tiality might reasonably be questioned. A commis-
41 sioner shall promptly inform the parties in any pro-
42 ceeding concerning any matter which might reasonably
43 cause his impartiality to be questioned.

1 4. Recommendations forbidden. A commissioner
2 shall not make recommendations to utilities or in any
3 way comment on the qualifications of attorneys, util-
4 ity experts, technicians or other persons who may ap-
5 pear before the commission.

6 §33. Political conduct of a commissioner

7 A commissioner shall refrain from political ac-
8 tivity inappropriate to his office.

9 1. Political conduct in general. A commissioner
10 shall not:

11 A. Act as a leader or hold any office in a po-
12 litical organization;

13 B. Make speeches for any political organization
14 or candidate or publicly endorse a candidate for
15 public office;

16 C. Solicit funds for or pay an assessment or
17 make a contribution to a political organization
18 or candidate, attend political gatherings, pur-
19 chase tickets for political party dinners or oth-
20 er functions;

21 D. Engage in any political activity, except on
22 behalf of measures to improve the administration
23 of public utilities regulation;

24 E. Engage in referendum, initiative or other
25 nonpartisan campaigns or state his public sup-
26 port or opposition for one side in those cam-
27 paigns, including appearances in advertisements
28 or public debates on television or radio; and

29 F. Permit the authority of the commission to be
30 similarly used.

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STATEMENT OF FACT

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This bill states the principal objectives of the code of ethics for public utilities commissioners; sets forth the provisions on avoidance of impropriety and the appearance of impropriety; sets forth standards of impartiality; establishes that a public utilities commissioner should refrain from political activity inappropriate to his office; and sets forth the criteria for avoiding that political conduct.

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