

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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Legislative Document

No. 1312

H.P. 944

House of Representatives, April 24, 1989

Reference to the Committee on Utilities suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative HEESCHEN of Wilton.

Cosponsored by Representative CLARK of Millinocket, Representative HOLT of Bath and Senator BUSTIN of Kennebec.

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STATE OF MAINE

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

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An Act to Allow Intervenor Funding in Public Utilities Proceedings.

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

3 **35-A MRSA §1310**, as enacted by PL 1987, c. 141, Pt. A, §6,  
5 is repealed and the following enacted in its place:

7 **§1310. Funding of intervenors by the commission**

9 1. Intervenor funding. Notwithstanding sections 104, 111  
11 and 112, the commission may not order compensation of intervenors  
13 by any utility except as authorized by this section. The  
15 commission may order the utility to compensate the intervenor for  
reasonable attorney's fees, expert witness fees and other  
reasonable costs incurred in preparation and advocacy of the  
intervenor's position in any commission proceeding whenever the  
commission finds that:

17 A. The position of the intervenor is not adequately  
19 represented by the Office of Public Advocate or the Public  
Utilities Commission staff;

21 B. The intervenor substantially contributed to the  
23 approval, in whole or in part, of a position advocated by  
the intervenor in the commission proceeding; and

25 C. Participation in the proceeding by the intervenor would  
27 impose a significant financial hardship on the intervenor.

29 2. Determination of eligibility. A determination that an  
31 intervenor is eligible for an award of compensation pending the  
outcome of the proceeding shall be made by the commission at the  
earliest practicable time in the commission proceeding.

33 3. Reasonable attorney's fees. Intervenors' attorney's  
35 fees shall be computed based on the number of hours recorded by  
37 the intervenor's attorney multiplied by the prevailing market  
rate or customary fee for similar legal services in the relevant  
market.

39

41 **STATEMENT OF FACT**

43 This bill extends the commission's ability to grant  
45 intervenor funding to any commission proceeding, not merely those  
47 brought by a utility under the Public Utilities Regulatory  
49 Policies Act of 1978, or PURPA. It will remedy the inequity that  
exists whenever intervenors with limited resources present  
positions adverse to the utility's position, positions which are  
not represented by the public advocate or commission staff.

1           The bill also requires the commission to make a  
determination of eligibility for compensation as soon in the  
3 proceeding as practicable and clarifies how attorney's fees are  
to be calculated.