

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A " to S.P. 38, L.D. 50, Bill, "An Act to Amend the Requirements for Notice of Public Proceedings of the Public Utilities Commission"

Amend the bill by striking out all of section 1 and inserting in its place the following:

Sec. 1. 35-A MRSA §108, as amended by PL 1987, c. 614, § 1, is repealed.

Sec. 2. 35-A MRSA §108-A is enacted to read:

§108-A. Commission action; quorum; notice

A majority of the duly appointed commissioners constitutes a quorum and the act or decision of a majority of commissioners present, if at least a quorum is present, is the act or decision of the commission in any formal proceeding before the commission.

Notwithstanding Title 1, section 406, the commission is required to give notice of public proceedings only if the commission will deal with the expenditure of public funds or if the commission will make any of the following decisions in proceedings before it: a decision to initiate rulemaking or to adopt or modify a rule pursuant to Title 5, chapter 375, subchapter II; a decision making an advisory ruling pursuant to Title 5, chapter 375, subchapter III; a decision to commence an adjudicatory proceeding, an interim decision in an adjudicatory proceeding that will affect the substantive or procedural rights of any party, or a final decision at the conclusion of an adjudicatory proceeding, all pursuant to Title 5, chapter 375, subchapter IV; or a decision in any other proceeding pursuant to this Title or the commission's rules that requires commission approval or decision. In addition, if the commission is participating as a party in a proceeding before a federal agency

2 and the commission will adopt a position in that federal
4 proceeding, the commission shall give to other parties from the
6 State who are participating in the federal proceeding notice of
8 the public proceeding at which the commission may adopt that
10 position.

8 **FISCAL NOTE**

10 The Public Utilities Commission will incur some minor
12 additional administrative costs to pay for increased advertising
14 costs for the required public notices. These costs can be
16 absorbed within the commission's existing budgeted resources.'

16 **STATEMENT OF FACT**

18 This amendment modifies the public notice requirements for
20 Public Utilities Commission meetings. Under current law, the
22 commission is required to give notice of meetings in which the
24 commission will deal with the expenditure of public funds or
taxation or will adopt policy. Current law provides a listing of
the types of actions that are deemed to involve the adoption of
policy.

26 Under this amendment, the commission will be required to
28 provide notice of any meeting at which the commission by law or
rule is required to make a decision. In addition, the commission
will be required to provide public notice for several specific
30 types of meetings. The commission will also be required to give
32 limited notice of any meeting in which the commission may decide
to adopt a position before a federal agency.

34 This amendment also adds a fiscal note to the bill.

Reported by Senator Cleveland for the Committee on Utilities.
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