

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

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Legislative Document

No. 57

S.P. 45

In Senate, January 19, 1993

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator LUTHER of Oxford

Cosponsored by Representative GRAY of Sedgwick, Representative CLEMENT of Clinton  
and Representative COFFMAN of Old Town.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-THREE

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**An Act Providing for the Election of Commissioners of the Public  
Utilities Commission.**

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

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4       Sec. 1. 21-A MRSA §351, first ¶, as enacted by PL 1985, c. 161,  
§6, is amended to read:

6       The nomination of a candidate, other than by a party, for  
any federal, state or county office or for commissioner of the  
8       Public Utilities Commission must be made by petition, as provided  
in this subchapter.

10       Sec. 2. 21-A MRSA §351, sub-§2, as enacted by PL 1985, c. 161,  
12       §6, is amended to read:

14       2. Limited to one method. A person may file as a candidate  
for any federal, state or county office either by primary  
16       election or nomination petition, except as provided in ~~subsections~~  
subsections 3 and 4, but not by both methods.

18       Sec. 3. 21-A MRSA §351, sub-§4 is enacted to read:

20       4. Exception for candidates for commissioner of Public  
22       Utilities Commission. A candidate for commissioner of the Public  
Utilities Commission, including chair of the commission, must be  
24       nominated by petition.

26       Sec. 4. 21-A MRSA §354, sub-§5, ¶¶G and H, as enacted by PL  
1985, c. 161, §6, are amended to read:

28       G. For a candidate for State Representative, at least 50  
30       and not more than 80 voters; and

32       H. For a candidate for county charter commission member, at  
least 50 and not more than 80 voters;

34       Sec. 5. 21-A MRSA §354, sub-§5, ¶¶I and J are enacted to read:

36       I. For a candidate for commissioner of the Public Utilities  
38       Commission, other than chair of the commission, at least  
1,000 and not more than 1,500 voters; and

40       J. For a candidate for chair of the Public Utilities  
42       Commission, at least 2,000 and not more than 3,000 voters.

44       Sec. 6. 35-A MRSA §105, as enacted by PL 1987, c. 141, Pt. A,  
§6, is repealed.

46       Sec. 7. 35-A MRSA §105-A is enacted to read:  
48

§105-A. Election and term

2  
4 1. Election. The Public Utilities Commission consists of 3  
6 commissioners elected by the qualified voters of the State. One  
8 commissioner elected statewide by the qualified voters of the  
10 State is the chair of the commission. One commissioner is  
12 elected from the First Congressional District by the qualified  
14 voters of that district and one commissioner is elected from the  
Second Congressional District by the qualified voters of that  
district. A candidate for commissioner may be nominated by  
petition pursuant to Title 21-A, chapter 5, subchapter II but may  
not be nominated by party primary election under Title 21-A,  
chapter 5, subchapter I.

16 2. Full-time service. Members of the commission shall  
devote full time to their duties.

18 3. Term. The commissioners serve for terms of 6 years.

20 A. Each term ends on November 30th of the 6th year of the  
22 term. The terms are staggered so that the term of the  
24 commissioner elected statewide ends November 30, 1996 and  
26 every 6 years thereafter. The term of the commissioner  
elected from the First Congressional District ends November  
30, 1998 and every 6 years thereafter. The term of the  
commissioner elected from the Second Congressional District  
ends November 30, 2000 and every 6 years thereafter.

28 B. The term of an elected commissioner begins on December  
30 1st following the commissioner's election.

32 C. Any vacancy occurring in the commission is filled by  
34 election at the next general election for the unexpired  
portion of the term.

36 Sec. 8. 35-A MRSA §106, sub-§1, as enacted by PL 1987, c. 141,  
38 Pt. A, §6, is repealed and the following enacted in its place:

40 1. Designated. The commissioner elected in a statewide  
election is the chair of the commission.

42 Sec. 9. Transition. The terms of commissioners of the Public  
44 Utilities Commission serving on the effective date of this Act  
46 terminate on November 30, 1994. An election for the 3  
48 commissioners of the Public Utilities Commission must be held  
during the general election in November 1994. Notwithstanding  
the Maine Revised Statutes, Title 35-A, section 105-A, subsection  
3, the terms of the first elected commissioners are as follows:  
The commissioner elected in a statewide election is elected for a

2 term of 2 years ending November 30, 1996; the commissioner  
elected from the First Congressional District is elected for a  
4 term of 4 years ending November 30, 1998; and the commissioner  
elected from the Second Congressional District is elected for a  
6 term of 6 years ending November 30, 2000. Subsequent terms of  
commissioners are for 6 years in accordance with Title 35-A,  
section 105-A, subsection 3.

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### STATEMENT OF FACT

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14 Presently, the 3 commissioners of the Public Utilities  
Commission are appointed by the Governor subject to legislative  
approval. Under this bill those commissioners are elected. The  
16 chair of the commission is elected statewide. The other 2  
commissioners are elected from the first and 2nd congressional  
18 districts. The first election is to be held in November 1994.  
The terms of elected commissioners are for 6 years, staggered 2  
20 years apart. The terms of the initial commissioners are for 2, 4  
and 6 years. Terms of the commissioners begin on December 1st  
22 after election and end on November 30th of the last year of their  
terms.

24

26 This bill requires that candidates for chair of the  
commission file, under Maine's election laws, a petition for  
nomination signed by at least 2,000 and not more than 3,000  
28 voters. A candidate for commissioner other than for chair must  
submit a petition signed by at least 1,000 and not more than  
30 1,500 voters. In order to promote nonpartisanship in the  
nomination of candidates for these offices, candidates may not be  
32 nominated by party primary elections.