

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

Legislative Document

No. 2473

S.P. 943

In Senate, January 12, 2000

An Act to Promote the Use of an Advocate Staff.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Utilities and Energy 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 KONTOS of Cumberland.
Cosponsored by Representative COLWELL of Gardiner and
Senator CAREY of Kennebec.

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

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Sec. 1. 35-A MRSA §1305, sub-§5, ¶C, as enacted by PL 1997, c. 691, §3 and affected by §10, is amended to read:

C. The Upon the written request of all of the parties in an adjudicatory proceeding, the commission may shall assign one or more staff members who are not advisors in a the proceeding to facilitate negotiated settlements in the proceeding. If the written request is not submitted by all of the parties, the commission shall assign one or more staff members who are not advising in the proceeding to facilitate negotiated settlements in the proceeding unless the commission determines that the assignment of such staff members would have a materially adverse effect on the public interest. Any decision not to assign an advocate staff member pursuant to a request made under this paragraph must be in writing and in the form of an order issued by the commission that must include an explanation of how the granting of the request would have a materially adverse effect on the public interest.

SUMMARY

This bill requires the Public Utilities Commission to assign an advocate staff in an adjudicatory proceeding whenever all of the parties to the proceeding request an advocate staff. If a request is made by fewer than all of the parties to the proceeding, then the commission may decline to assign an advocate staff but only if the assignment of an advocate staff would have a materially adverse effect on the public interest. If the commission does determine that the assignment of an advocate staff would have a materially adverse effect on the public interest, the commission shall issue an order explaining how the assignment of an advocate staff pursuant to the request of a party to the proceeding would be materially harmful to the public interest.