

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 1985

H.P. 1484

House of Representatives, December 20, 2001

An Act to Avoid Incompatible Employment of Water Utility Employees.

Submitted by the Public Utilities Commission pursuant to Joint Rule 204.

Received by the Clerk of the House on December 17, 2001. Referred to the Committee on Utilities and Energy pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative SAVAGE of Buxton.

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

4 Sec. 1. 35-A MRSA §6101, sub-§1-C is enacted to read:

6 1-C. Official. "Official" means any elected or appointed
member of the governing body of a municipal or quasi-municipal
water utility.

8 Sec. 2. 35-A MRSA §6114 is enacted to read:

10 §6114. Conflict of interest prohibited

12 1. Family relationships. Except as otherwise provided in
14 this section, employment practices of a water utility must comply
with this subsection.

16 A. An official or the spouse or dependent child of an
18 official may not be employed by the water utility as a
permanent, part-time or contracted employee.

20 B. A municipal officer that appoints the officials of the
22 water utility in the officer's community or the spouse or
24 dependent child of the municipal officer may not be employed
by the water utility as a permanent, part-time or contracted
employee.

26 2. Conditions for employment. An official or municipal
28 officer, or the spouse or dependent child of an official or
municipal officer, may provide services to a water utility under
30 a fixed-term contract for services if the contract is awarded
32 through a bid process made public through a newspaper with
general circulation in the area served by the water utility,
34 through notice in the utility's customer bills or through some
other means that effectively informs the utility's customers.
36 The notice must include a detailed description of the services
required, including, but not limited to, the scope of work,
38 required licenses, hours, and equipment to be provided by the
contractor. The bids must be awarded in accordance with Title
30-A, section 2605.

40 3. Transition provisions. An official or municipal officer
42 who is employed by a water utility on the effective date of this
section and is affected by the provisions under subsection 1 may
44 continue serving the water utility until the official's or
municipal officer's current term expires or until January 1,
46 2004, whichever occurs first. A spouse or dependent child of an
official or municipal officer, who is employed by a water utility
48 on the effective date of this section and is affected by the
provisions under subsection 1, may continue serving the water
50 utility until January 1, 2004.

2 4. Waiver. The commission may grant a waiver of the
4 provisions of this section if it finds that the water utility's
6 hiring procedure is equitable for ratepayers and candidates for
8 employment.

SUMMARY

10 This bill clarifies conflicts of interest regarding the
12 employment of certain employees by a water utility. It also
14 establishes criteria for the employment of municipal officers and
16 their family members by a water utility. The bill also allows
the Public Utilities Commission to grant a waiver of the
employment criteria if it finds that the water utility's hiring
procedure is equitable for ratepayers and candidates for
employment.