

MAINE STATE LEGISLATURE

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Date: 4/27/9

Majority

UTILITIES AND ENERGY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 657, L.D. 954, Bill, "An Act To Clarify the Role of the Public Advocate"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 35-A MRSA §1701, sub-§1, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

1. Appointment of the Public Advocate. The Public Advocate shall be is appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over public utilities matters and to confirmation by the Legislature, and shall serve serves at the pleasure of the Governor. Any vacancy shall must be filled by similar appointment.

This subsection is repealed January 31, 2013.

Sec. 2. 35-A MRSA §1701, sub-§1-A is enacted to read:

1-A. Appointment of the Public Advocate; term; removal. Beginning January 31, 2013, this subsection governs the appointment, term of service and removal of the Public Advocate.

A. The Governor shall appoint the Public Advocate, subject to review by the joint standing committee of the Legislature having jurisdiction over public utilities matters and to confirmation by the Legislature.

B. The Public Advocate shall serve for a 4-year term of office, beginning on February 1, 2013 and every 4 years thereafter.

C. The Public Advocate may continue to serve beyond the end of the 4-year term until a successor is appointed and qualified.

D. Any vacancy occurring must be filled by appointment for the unexpired portion of the term.

1 E. Any willful violation of this chapter by the Public Advocate constitutes sufficient
2 cause for removal of the Public Advocate by the Governor, on the address of both
3 branches of the Legislature or by impeachment pursuant to the Constitution of Maine,
4 Article IX, Section 5.

5 **Sec. 3. Working group; report; authority for legislation.** The Public
6 Utilities Commission shall convene and host a working group to examine the current
7 organizational relationship of the Office of the Public Advocate to the executive branch
8 and the feasibility, advantages and disadvantages of adopting an alternative structure to
9 ensure that the Public Advocate has the necessary independence from other influences to
10 fulfill the advocate's duties and responsibilities under the Maine Revised Statutes, Title
11 35-A, section 1702 without compromise.

12 The Public Utilities Commission shall, at a minimum, invite the Office of the Public
13 Advocate, the Office of the Attorney General, the Office of the Secretary of State and
14 representatives of utility consumers, including residential, commercial and industrial
15 consumers, to participate in the working group. The working group shall review
16 successful models of consumer utility advocate offices in other states and shall, at a
17 minimum, consider the advantages and disadvantages of establishing the Office of the
18 Public Advocate as a stand-alone independent agency outside of the Executive
19 Department or as a division within the Office of the Attorney General.

20 The working group shall report its findings and recommendations to the Joint
21 Standing Committee on Utilities and Energy by January 15, 2010. The joint standing
22 committee may report out legislation relating to the subject matter of this section to the
23 Second Regular Session of the 124th Legislature.'

24 **SUMMARY**

25 This amendment is the majority report of the committee. The amendment replaces the
26 bill. The amendment changes the position of the Public Advocate from serving at the
27 pleasure of the Governor to serving a 4-year term that begins and ends midway through
28 the Governor's term of office. The amendment specifies that the Public Advocate may be
29 removed by the Governor for willful violation of the laws governing the Office of the
30 Public Advocate.

31 In addition, the amendment directs the Public Utilities Commission to convene and
32 host a working group to evaluate and make recommendations regarding the feasibility
33 and appropriateness of changing the organizational relationship of the Office of the
34 Public Advocate to the Executive Department, for the purpose of ensuring that the Public
35 Advocate has the necessary independence from other influences to fulfill the advocate's
36 statutory duties and responsibilities without compromise. The working group is required
37 to report its findings and recommendations to the Joint Standing Committee on Utilities
38 and Energy by January 15, 2010. The committee is authorized to report out legislation on
39 the subject of the report to the Second Regular Session of the 124th Legislature.

FISCAL NOTE REQUIRED

(See attached)



124th MAINE LEGISLATURE

LD 954

LR 1339(02)

An Act To Clarify the Role of the Public Advocate

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Utilities and Energy

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

The additional cost to the Public Utilities Commission and the Office of the Public Advocate associated with convening a working group and reviewing models of utility advocate offices can be absorbed within existing budgeted resources.