

# MAINE STATE LEGISLATURE

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L.D. 429

Date: 4-26-11

(Filing No. S- 46)

**ENERGY, UTILITIES AND TECHNOLOGY**

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**STATE OF MAINE  
SENATE  
125TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 133, L.D. 429, 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**Sec. 1. 5 MRSA §12004-I, sub-§92**, as enacted by PL 2007, c. 657, §1, is repealed.

**Sec. 2. 35-A MRSA §1702, sub-§§9 and 10** are enacted to read:

**9. Other advocacy forums.** The Public Advocate, consistent with the priorities established in section 1702-A and the requirements of this chapter, may represent and promote the interests of the using and consuming public:

A. In appropriate proceedings of the Legislature; and

B. In regional or national forums, including but not limited to any proceeding of an independent system operator or the Federal Energy Regulatory Commission.

**10. Independent representation of the interests of the using and consuming public.** The Public Advocate, when taking a position on any matter in any proceeding or forum pursuant to the Public Advocate's authority under this chapter, shall exercise independent judgment to ensure the position:

A. Is consistent with the priorities established in section 1702-A and the requirements of this chapter; and

B. Promotes stabilization and lowering of prices paid by those members of the using and consuming public whose interests the Public Advocate is representing.

**Sec. 3. 35-A MRSA §1712**, as enacted by PL 2007, c. 657, §2, is repealed.'

**SUMMARY**

This amendment replaces the bill, which was a concept draft. It:

**COMMITTEE AMENDMENT**

1 1. Authorizes the Public Advocate to represent and promote the interests of the using  
2 and consuming public in appropriate proceedings of the Legislature and in regional or  
3 national forums, including but not limited to any proceeding of an independent system  
4 operator or the Federal Energy Regulatory Commission;

5 2. Requires the Public Advocate, when taking a position on any matter in any  
6 proceeding or forum, to exercise independent judgment to ensure the position is  
7 consistent with the requirements of the law governing the Public Advocate and promotes  
8 stabilization and lowering of prices paid by those members of the using and consuming  
9 public whose interests the Public Advocate is representing; and

10 3. Repeals the Railroad Crossing Information Council, on which the Public Advocate  
11 serves. The council serves as a repository of information concerning the establishment or  
12 maintenance of private railroad crossings and provides information and assistance to  
13 persons regarding private crossings of railroads.

14 **FISCAL NOTE REQUIRED**

15 (See attached)



Approved: 04/15/11 *mac*

# 125th MAINE LEGISLATURE

LD 429

LR 1166(02)

An Act To Clarify the Role of the Public Advocate

Fiscal Note for Bill as Amended by Committee Amendment "A" *S-46*

Committee: Energy, Utilities and Technology

Fiscal Note Required: Yes

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## Fiscal Note

Minor cost increase - Other Special Revenue Funds

### Fiscal Detail and Notes

Authorizing the Office of Public Advocate (OPA) to represent and promote the interests of the public in appropriate proceedings of the Legislature and regional or national forums including those pertaining to independent system operators or the Federal Energy Regulatory Commission may result in minor increased costs which the OPA can absorb within existing budgeted resources. Repealing the Railroad Crossing Information Council will relieve the OPA of the burden of serving on the council and may result in minor savings to the OPA.