

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 802

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H.P. 582

House of Representatives, March 2, 2017

### **An Act To Strengthen the Independence of the Public Advocate**

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Reference to the Committee on Energy, Utilities and Technology suggested and ordered printed.

A handwritten signature in cursive script that reads "R. B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative SHERMAN of Hodgdon. (BY REQUEST)

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

2 **Sec. 1. 5 MRSA §12004-I, sub-§93** is enacted to read:

3 **93.**

4 <u>Public Advocate</u>	<u>Public Advocate</u>	<u>Not Authorized</u>	<u>35-A MRSA</u>
5	<u>Advisory Board</u>		<u>§1701-A</u>

6 **Sec. 2. 35-A MRSA §1701, sub-§1-A**, as enacted by PL 2009, c. 399, §2, is  
7 amended to read:

8 **1-A. Appointment of the Public Advocate; term; removal.** This subsection  
9 governs the appointment, term of service and removal of the Public Advocate.

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

13 B. The Public Advocate shall serve for a ~~4-year~~ 1-year term of office, beginning on  
14 February 1, 2013 ~~and every 4 years thereafter 2017.~~ The Public Advocate shall serve  
15 for a 6-year term of office beginning February 1, 2018 and on February 1st every 6  
16 years thereafter.

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

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

21 E. Any willful violation of this chapter by the Public Advocate constitutes sufficient  
22 cause for removal of the Public Advocate ~~by the Governor~~, on the address of both  
23 branches of the Legislature or by impeachment pursuant to the Constitution of Maine,  
24 Article IX, Section 5. The Public Advocate serves at the pleasure of the board.

25 **Sec. 3. 35-A MRSA §1701-A** is enacted to read:

26 **§1701-A. Public Advocate Advisory Board**

27 **1. Established.** The Public Advocate Advisory Board, referred to in this chapter as  
28 "the board," is established in Title 5, section 12004-I, subsection 93.

29 **2. Members.** The board consists of 3 members as follows:

30 A. One member appointed by the Governor;

31 B. One member appointed by the President of the Senate; and

32 C. One member appointed by the Speaker of the House of Representatives.

33 **3. Terms.** Members of the board serve 3-year terms and may be reappointed.

