

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1452

S.P. 570

In Senate, March 30, 2023

**An Act to Require the Commissioners of the Public Utilities
Commission to Be Popularly Elected**

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BENNETT of Oxford.

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

2 **Sec. 1. 2 MRSA §6-A, sub-§5**, as amended by PL 1989, c. 502, Pt. A, §4 and PL
3 2007, c. 58, §3, is further amended to read:

4 **5. Retirement contribution.** The State shall pay the mandatory retirement
5 contribution required by Title 5, section 17701, for commissioners who elect to become
6 members of the Maine Public Employees Retirement System. Payment ~~shall~~ must be made
7 as provided in Title 5, section 17702. A commissioner may elect at the time of ~~appointment~~
8 election to receive a 5% salary increase instead of state payment of the retirement
9 contribution.

10 Membership in the Maine Public Employees Retirement System is optional.

11 **Sec. 2. 35-A MRSA §105**, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to
12 read:

13 **§105. ~~Appointment~~ Election and term**

14 ~~**1. Appointment.** The Governor shall appoint 3 members to the Public Utilities~~
15 ~~Commission. The appointments shall be subject to review by the joint standing committee~~
16 ~~of the Legislature having jurisdiction over public utilities and to confirmation by the~~
17 ~~Legislature. Members of the commission shall devote full time to their duties.~~

18 **1-A. Election.** The 3 members of the Public Utilities Commission are elected by
19 popular election on the general election date in November. Members of the commission
20 shall devote full time to the duties of office.

21 **2. Term.** The commissioners shall serve for staggered terms of 6 years.

22 ~~A. Each term shall end on March 31st of the 6th year of the term. The terms shall be~~
23 ~~staggered so that one ends in 1987 and every 6 years thereafter, one ends in 1989 and~~
24 ~~every 6 years thereafter, and one ends in 1991 and every 6 years thereafter.~~

25 B. A commissioner may continue to serve beyond the end of this term until a successor
26 is ~~appointed~~ elected and qualified.

27 C. Any vacancy occurring in the commission ~~shall~~ must be filled by appointment of
28 the Governor for the unexpired portion of the term.

29 **Sec. 3. Staggered terms.** Notwithstanding the Maine Revised Statutes, Title 35-A,
30 section 105, subsection 2, the 3 members of the Public Utilities Commission elected in
31 November 2023 shall draw lots to decide which member serves a 2-year term, which
32 member serves a 4-year term and which member serves a 6-year term.

33 **SUMMARY**

34 This bill provides that the 3 members of the Public Utilities Commission are elected
35 instead of appointed.