

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## SECOND REGULAR SESSION-2024

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Legislative Document

No. 2127

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H.P. 1351

House of Representatives, January 3, 2024

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### **An Act to Increase the Number of Commissioners on the Public Utilities Commission**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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 ZEIGLER of Montville.

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

2 **Sec. 1. 35-A MRSA §103, sub-§1**, as enacted by PL 1987, c. 141, Pt. A, §6, is  
3 amended to read:

4 **1. Establishment.** There is established the Public Utilities Commission, which shall  
5 ~~consist~~ consists of ~~3~~ 5 members.

6 **Sec. 2. 35-A MRSA §105, sub-§1**, as enacted by PL 1987, c. 141, Pt. A, §6, is  
7 amended to read:

8 **1. Appointment.** The Governor shall appoint ~~3~~ 5 members to the Public Utilities  
9 Commission. The appointments shall ~~be~~ are subject to review by the joint standing  
10 committee of the Legislature having jurisdiction over public utilities matters and to  
11 confirmation by the Legislature. Members of the commission shall devote full time to their  
12 duties.

13 **Sec. 3. 35-A MRSA §105, sub-§2, ¶A**, as enacted by PL 1987, c. 141, Pt. A, §6,  
14 is amended to read:

15 ~~A. Each term shall end~~ Three of the members of the commission are appointed for  
16 terms of 6 years, and each term ends on March 31st of the 6th year of the term. The  
17 terms shall be staggered so that one ends in 1987 and every 6 years thereafter, one ends  
18 in 1989 and every 6 years thereafter, and one ends in 1991 and every 6 years thereafter.  
19 Two of the members of the commission are appointed for terms of 8 years, and each  
20 term ends on March 31st of the 8th year of the term.

21 **Sec. 4. 35-A MRSA §108-B, first ¶**, as enacted by PL 2013, c. 554, §1, is amended  
22 to read:

23 If the commission is unable to maintain a quorum for reasons as described in subsection  
24 1, the Governor shall appoint ~~3~~ 5 alternate commissioners who may serve as temporary  
25 commissioners in accordance with this section.

26 **Sec. 5. 35-A MRSA §108-B, sub-§1**, as enacted by PL 2013, c. 554, §1, is amended  
27 to read:

28 **1. Selection of alternate commissioners.** If ~~2~~ 3 or more commissioners, due to a  
29 conflict of interest, disability or other reason, are unable to serve in a proceeding, which  
30 results in the commission being unable to maintain a quorum as provided under section  
31 108-A, the commission shall report this information to the Governor and post this  
32 information on its publicly accessible website. Once the Governor is notified of the lack  
33 of a quorum for a particular proceeding, the Governor shall appoint ~~3~~ 5 alternate  
34 commissioners, each of whom may serve as a temporary commissioner in that particular  
35 proceeding. All appointed alternate commissioners must be retired judges or justices who  
36 are subject to review by the joint standing committee of the Legislature having jurisdiction  
37 over public utilities matters and to confirmation by the Legislature. Once the alternate  
38 commissioners are confirmed by the Legislature, the commission shall, in a transparent  
39 manner, randomly assign from the alternate commissioners one alternate commissioner to  
40 be the first alternate commissioner, one alternate commissioner to be the 2nd alternate  
41 commissioner ~~and~~, one alternate commissioner to be the 3rd alternate commissioner, one  
42 alternate commissioner to be the 4th alternate commissioner and one alternate  
43 commissioner to be the 5th alternate commissioner and send this information to the

1 Governor. Following the receipt of this information, the Governor shall appoint alternate  
2 commissioners as temporary commissioners in the assigned order, until the number of  
3 temporary commissioners needed to reach a quorum is reached. If, for good cause, an  
4 alternate commissioner is unable to serve as a temporary commissioner, the Governor shall  
5 appoint the next assigned alternate as a temporary commissioner.

6 **Sec. 6. Staggered terms; powers and duties.** The commissioners serving on the  
7 Public Utilities Commission on the effective date of this Act continue to serve until their  
8 terms expire and successors are appointed. Notwithstanding the Maine Revised Statutes,  
9 Title 35-A, section 105, subsection 2, paragraph A, of the 2 additional appointments made  
10 pursuant to this Act, one appointment must be made in 2028 for a term of 8 years and one  
11 appointment must be made in 2032 for a term of 8 years. Notwithstanding Title 35-A,  
12 chapter 1, the commissioner appointed in 2028 serves as an alternate commissioner for the  
13 first 4 years of that commissioner's term and during that time shall attend all meetings of  
14 the commission but may not vote unless there are fewer than 3 other commissioners present  
15 and is not eligible to be named chair or acting chair of the commission under Title 35-A,  
16 section 106.

17 **Sec. 7. Effective date.** Those sections of this Act that amend the Maine Revised  
18 Statutes, Title 35-A, section 108-B take effect April 1, 2032.

19 **SUMMARY**

20 This bill increases the membership of the Public Utilities Commission from 3 to 5  
21 members. The 2 additional members are appointed in 2028 and 2032 to 8-year terms. The  
22 member appointed in 2028 serves as an alternate commissioner for the first 4 years of that  
23 member's term and during that time is required to attend all meetings of the commission  
24 but without authority to vote unless there are fewer than 3 other members present and is  
25 not eligible to be named chair or acting chair of the commission.