

MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL

November 18, 1983

MINUTES

CALL TO ORDER

A meeting of the Legislative Council was held in the Legislative Council Chambers, Room 327, and was called to order by Chairman Charles P. Pray at 9:40 a.m.

ROLL CALL

Senators: Sen. Carpenter, Sen. Collins, Sen. Conley,
Sen. Gill, Sen. Pray

Representatives: Rep. Davis, Rep. Diamond, Rep. Martin,
Rep. Higgins, Rep. Mitchell

Legislative Officers and Staff:

Sally Diamond - Legislative Administrative Director

OLD BUSINESS

A letter from the Committee on Health and Institutional Services requesting an additional meeting was submitted to the Council for reconsideration.

On motion made by Rep. Martin and seconded by Rep. Mitchell, on a vote of 8-1, it was

MOVED, that the above request be approved.

NEW BUSINESS

A letter from the Committee on Marine Resources was submitted to the Council requesting an additional meeting.

On motion made by Rep. Martin and seconded by Sen. Conley, on a vote of 9-1, it was

MOVED, that the above request be approved.

(New Business con't)

An after deadline Bill, "AN ACT to Amend Certain Provisions of the Sunday Closing Law", by Rep. L. Higgins, was submitted to the Council for approval.

On motion made by Rep. Martin and seconded by Sen. Carpenter, it was

MOVED that the above request be approved.

A "JOINT RESOLUTION MEMORIALIZING CONGRESS to End Immediately the Funding of United States Covert Paramilitary Operations in Central America", sponsored by Sen. Conley was presented to the Council for approval.

On motion made by Rep. Martin and seconded by Rep. Diamond it was

MOVED that the memorial be approved.

RECESS

On motion made by Rep. Martin and seconded by Sen. Conley, it was unanimously

MOVED that the Council meeting be recessed at 9:50 a.m. until later this day.

CALL TO ORDER

The Legislative Council reconvened in the Legislative Council Chambers, Room 327, and was called to order by Chairman Charles P. Pray at 7:30 p.m.

ROLL CALL

Senators: Sen. Carpenter, Sen. Collins, Sen. Conley,
Sen. Pray

Representatives: Rep. Davis, Rep. Diamond, Rep. Martin,
Rep. Mitchell

Legislative Officers and Staff:

Sally Diamond - Legislative Administrative Director

OLD BUSINESS

A recommendation was presented to the Council that the Joint Select Committee to Investigate Public Utilities in Maine be authorized to meet on Monday, November 21, to develop a budget for its work.

On motion made by Rep. Diamond and seconded by Rep. Mitchell, on a vote of 6-2, it was

MOVED, that the request be approved.

A recommendation was made to the Council that Room 434, which is currently part of the Women's Legislative Lounge, be assigned to the Lewiston Sun-Journal on a temporary basis through the Second Regular Session.

On a motion made by Rep. Martin and seconded by Sen. Conley, on a vote of 7-1, it was

MOVED that the recommendation be approved.

A recommendation was made that a special committee be appointed by the Chairman of the Legislative Council to conduct a further study of the Public Service Programs at the University of Maine at Orono, with meetings to be held the first week of the Second Regular Session and a report submitted to the Council by the end of the second week of the session.

On motion made by Rep. Martin and seconded by Sen. Conley, it was unanimously

MOVED, that the recommendation be approved.

On motion made by Sen. Conley and duly seconded, it was unanimously

MOVED, that the Council meeting be adjourned at 7:40 p.m.

Sarah C. Diamond
Legislative Administrative Director



MAINE STATE LEGISLATURE
Augusta, Maine 04333

DIRECTOR'S REPORT
to
LEGISLATIVE COUNCIL

September 30, 1983

APPROVAL OF MERIT INCREASES

It should be noted that the following members of the Office of Legislative Research would be eligible for consideration of merit increases based on completion of another year of service, but have already reached the top of their respective salary ranges.

Charlotte E. Carrie, Legislative Information
Officer III

Dorothy L. Rollins, Legislative Information
Officer II

David S. Silsby, Director, Office of Legislative
Research

STATE OF MAINE

In Senate _____

Whereas, the United States Constitution, Amendment X, reserves to the states the exercise of the police power to protect public health, morals and public safety; and

Whereas, under the Constitution of Maine, the Legislature bears a portion of the responsibility to protect the public health, morals and safety; and

Whereas, the regulation of public utilities is a function of the Legislature; and

Whereas, in 1913 the Legislature delegated to the Public Utilities Commission the regulation of public utilities, including those granted monopoly status by Act of the Legislature and by operation of other laws; and

Whereas, the delegation of power to the Public Utilities Commission is limited, with the residual power and duty to regulate public utilities remaining in the Legislature; and

Whereas, the Legislature maintains constant oversight of the activities of the Public Utilities Commission and its efforts to regulate the public utilities of Maine; and

Whereas, the Legislature has been informed of the following matters:

1. Recently, the Public Utilities Commission has conducted an investigation of matters in connection with the false testimony of a specific utility and has proposed to order it and several of its officers and employees to show cause why it and the officers and employees should not be held in contempt for presenting false information to the commission, engaging in a series of actions designed to continue to impede the commission's authority and for failing to correct that information when its misleading nature became known to the utility;

2. As a result of that investigation, the utility and a senior officer of the utility have pleaded guilty in Maine courts to the crimes of falsification of physical evidence

and false swearing, respectively;

3. During the course of that investigation, the commission developed information that at least one utility has become extensively involved in Maine's political process, including the use of utility employees in political campaigns; in the formation and use of political action committees; in the formation and operation of an incorporated subsidiary which conducted political polling for the utility and for presently unnamed political candidates and organizations; and in the retention of consultants for the purpose of directing its political activities;

4. The commission has indicated that due to a lack of resources it has been unable to satisfactorily complete further examination of that utility's or other utilities' involvement in the political process. This leaves unanswered the critical questions of the scope and purpose of involvement in political activities by large utilities, of the relationship of these political involvements to the regulation of public utilities and of the adequacy of and compliance with election laws applicable to their activities and the beneficiaries of their activities; now, therefore, be it

Ordered, the House concurring, that pursuant to the Constitution of Maine and the Revised Statutes, Title 3, sections 162, 165 and 401, et seq., the Legislative Council shall appoint itself, a joint standing committee or a joint select committee, as a legislative investigating committee to investigate and report on the following matters:

1. The nature of the relationship of public utilities to their subsidiaries, affiliates, officers, employees and persons or organizations providing contract services to them, with particular attention to the larger utilities;

2. The nature and extent of the participation of public utilities, either directly, indirectly or through their subsidiaries, affiliates, political action committees, officers, employees or contractors, in political processes and activities, including both referenda campaigns and election campaigns;

3. Whether that political participation has involved violations by public utilities or other persons of laws relating to elections, registration of voters, initiatives and referenda, campaign reports or finances, or other political or election activities or practices;

4. The relationship of that political participation and

the regulation of public utilities;

5. Whether ratepayers' money has been used directly or indirectly to affect the regulation of public utilities;

6. The ability of the commission to properly and thoroughly investigate, monitor and report on the matters set forth above; and

7. The adequacy of the present laws governing public utility regulation and elections to properly reveal and regulate the political participation of utilities; and be it further

Ordered, that to carry out this investigation, the Legislature grants to this committee all the powers and authority of a legislative investigating committee as provided under the Revised Statutes, Title 3, section 162, subsection 4; section 165, subsection 7; and sections 401, et seq. The committee may hire legal counsel and staff as necessary; and be it further

Ordered, that the committee shall make its final report, including recommended legislation, as well as any interim reports and recommended legislation, not later than the convening of the 112th Legislature.

(Sen. Baldacci)
SPONSORED BY: _____

COUNTY: Penobscot

(Sen. Pray)
SPONSORED BY: _____

COUNTY: Penobscot

(Speaker Martin)
SPONSORED BY: _____

TOWN: Eagle Lake

(Rep. Vose)
SPONSORED BY: _____

TOWN: Eastport