

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 35-A MRSA §1701, sub-§1, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

1. Appointment of the Public Advocate. The Public Advocate shall be appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over public utilities matters and to confirmation by the Legislature, and shall serve at the pleasure of the Governor. Any vacancy shall be filled by similar appointment.

This subsection is repealed January 31, 2013.

Sec. 2. 35-A MRSA §1701, sub-§1-A is enacted to read:

1-A. Appointment of the Public Advocate; term; removal. Beginning January 31, 2013, this subsection governs the appointment, term of service and removal of the Public Advocate.

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

B. The Public Advocate shall serve for a 4-year term of office, beginning on February 1, 2013 and every 4 years thereafter.

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

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

E. Any willful violation of this chapter by the Public Advocate constitutes sufficient cause for removal of the Public Advocate by the Governor, on the address of both branches of the Legislature or by impeachment pursuant to the Constitution of Maine, Article IX, Section 5.

Sec. 3. Working group; report; authority for legislation. The Public Utilities Commission shall convene and host a working group to examine the current organizational relationship of the Office of the Public Advocate to the executive branch and the feasibility, advantages and disadvantages of adopting an alternative structure to ensure that the Public Advocate has the necessary independence from other influences to fulfill the advocate's duties and responsibilities under the Maine Revised Statutes, Title 35-A, section 1702 without compromise.

The Public Utilities Commission shall, at a minimum, invite the Office of the Public Advocate, the Office of the Attorney General, the Office of the Secretary of State and representatives of utility consumers, including residential, commercial and industrial consumers, to participate in the working

group. The working group shall review successful models of consumer utility advocate offices in other states and shall, at a minimum, consider the advantages and disadvantages of establishing the Office of the Public Advocate as a stand-alone independent agency outside of the Executive Department or as a division within the Office of the Attorney General.

The working group shall report its findings and recommendations to the Joint Standing Committee on Utilities and Energy by January 15, 2010. The joint standing committee may report out legislation relating to the subject matter of this section to the Second Regular Session of the 124th Legislature.'

SUMMARY

This amendment is the majority report of the committee. The amendment replaces the bill. The amendment changes the position of the Public Advocate from serving at the pleasure of the Governor to serving a 4-year term that begins and ends midway through the Governor's term of office. The amendment specifies that the Public Advocate may be removed by the Governor for willful violation of the laws governing the Office of the Public Advocate.

In addition, the amendment directs the Public Utilities Commission to convene and host a working group to evaluate and make recommendations regarding the feasibility and appropriateness of changing the organizational relationship of the Office of the Public Advocate to the Executive Department, for the purpose of ensuring that the Public Advocate has the necessary independence from other influences to fulfill the advocate's statutory duties and responsibilities without compromise. The working group is required to report its findings and recommendations to the Joint Standing Committee on Utilities and Energy by January 15, 2010. The committee is authorized to report out legislation on the subject of the report to the Second Regular Session of the 124th Legislature.

FISCAL NOTE REQUIRED **(See attached)**