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An Act To Amend the Law Governing Conflicts of Interest with Respect to the Public Utilities Commission

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

Sec. 1. 35-A MRSA §109, sub-§4 is enacted to read:

4. Commissioner conflict. If a commissioner has a conflict of interest necessitating recusal from a proceeding and thereby not allowing for a quorum as provided for in section 108-A, the commission shall report this information to the Governor and post this information on its publicly accessible website. Following the receipt of this information, the Governor shall make a special temporary appointment for the duration of the proceeding by choosing the name of a person by lottery from a list of qualified persons who do not have a conflict of interest as follows.

A. The Governor shall maintain a list of 5 persons with qualifications in the legal, engineering, economics or accounting fields. The joint standing committee of the Legislature having jurisdiction over public utilities matters shall approve the persons on the list, as proposed by the Governor, once every 2 years, beginning in January 2015.

B. In the event of a special temporary appointment, the commission shall provide administrative support to the special temporary appointee and compensate the special temporary appointee based on hours served at the same rate of compensation as that of a commissioner. The special temporary appointee is subject to all laws applicable to and has such authority with respect to the proceeding to which that appointee is appointed as a commissioner.

SUMMARY

This bill requires the Governor to appoint a replacement for a member of the Public Utilities Commission whose recusal from a proceeding due to a conflict of interest prevents the commission from having a quorum. The Governor must appoint a replacement by lottery from a list maintained by the Governor of 5 qualified persons approved by the joint standing committee of the Legislature having jurisdiction over public utilities matters.