



# 126th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2014

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Legislative Document

No. 1619

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H.P. 1191

House of Representatives, December 30, 2013

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

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

Received by the Clerk of the House on December 23, 2013. Referred to the Committee on Energy, Utilities and Technology pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND

Clerk

Presented by Representative RUSSELL of Portland.

Cosponsored by Representatives: BEAVERS of South Berwick, DUNPHY of Embden, GIDEON of Freeport, NEWENDYKE of Litchfield, RYKERSON of Kittery, TIPPING-SPITZ of Orono, Senator: YOUNGBLOOD of Penobscot.

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

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

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

10 A. The Governor shall maintain a list of 5 persons with qualifications in the legal,  
11 engineering, economics or accounting fields. The joint standing committee of the  
12 Legislature having jurisdiction over public utilities matters shall approve the persons  
13 on the list, as proposed by the Governor, once every 2 years, beginning in January  
14 2015.

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

21 **SUMMARY**

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