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Date: (Filing No. H-)

ENERGY, UTILITIES AND TECHNOLOGY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1191, L.D. 1619, Bill, “An Act To Amend the Law Governing Conflicts of Interest with Respect to the Public Utilities Commission”

Amend the bill by striking out the title and substituting the following:

'An Act To Provide for a Quorum at the Public Utilities Commission'

Amend the bill by inserting after the title and before the enacting clause the following:

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, there is currently a proceeding before the Public Utilities Commission for which a quorum is not available; and

Whereas, the proceeding cannot be decided without a quorum and a delay in the case could be detrimental to all parties; and

Whereas, in order to maintain a quorum at the commission, the appointment process and confirmation process proposed in this legislation must commence as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

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

'Sec. 1. 35-A MRSA §108-B is enacted to read:

COMMITTEE AMENDMENT

1 **§108-B. Lack of quorum; temporary appointment**

2 The Governor shall appoint 3 alternate commissioners who may serve as temporary
3 commissioners in accordance with this section.

4 **1. Selection of alternate commissioners.** The Governor shall appoint 3 people to
5 serve as alternate commissioners. The appointments are subject to review by the joint
6 standing committee of the Legislature having jurisdiction over public utilities matters and
7 to confirmation by the Legislature. The term of an alternate commissioner is for 3 years.

8 **2. Special appointment of temporary commissioner.** If 2 or more commissioners,
9 due to a conflict of interest, disability or other reason, are unable to serve in a proceeding,
10 which results in the commission being unable to maintain a quorum as provided under
11 section 108-A, the commission shall report this information to the Governor and post this
12 information on its publicly accessible website. Once the Governor is notified, the
13 commission shall, in a transparent manner, randomly assign from the alternate
14 commissioners appointed under subsection 1 one alternate commissioner to be the first
15 alternate commissioner, one alternate commissioner to be the 2nd alternate commissioner
16 and one alternate commissioner to be the 3rd alternate commissioner and send this
17 information to the Governor. Following the receipt of this information, the Governor
18 shall appoint the first alternate commissioner as a temporary commissioner. If, for good
19 cause, the first alternate commissioner is unable to serve, the Governor shall appoint the
20 2nd alternate commissioner as a temporary commissioner. If, for good cause, the first
21 and 2nd alternate commissioners are unable to serve, the Governor shall appoint the 3rd
22 alternate commissioner as a temporary commissioner.

23 **3. Service for duration of proceeding.** Notwithstanding the terms established in
24 subsection 1, once appointed as a temporary commissioner to serve in a proceeding, the
25 temporary commissioner shall serve for the length of time for which there is otherwise no
26 quorum for the proceeding.

27 **4. Compensation.** In the event of a temporary appointment under this section, the
28 commission shall provide administrative support to the temporary commissioner and
29 compensate the temporary commissioner based on hours served at the same rate of
30 compensation as that of a commissioner.

31 **5. Authority.** A temporary commissioner appointed pursuant to this section is
32 subject to all laws applicable to and has such authority with respect to the proceeding as a
33 commissioner. An alternate commissioner who is not appointed as a temporary
34 commissioner has no authority with respect to any proceedings of the commission.

35 **6. Vacancy.** In the event of a vacancy on the list of alternate commissioners, the
36 Governor shall appoint an alternate commissioner to fill the unexpired portion of the
37 term.

38 **Sec. 2. Staggered terms.** Notwithstanding the Maine Revised Statutes, Title
39 35-A, section 108-B, subsection 1, the terms of the initial alternate commissioners
40 appointed pursuant to Title 35-A, section 108-B are staggered as follows: one alternate
41 commissioner serves for a term of one year; one alternate commissioner serves for a term
42 of 2 years; and one alternate commissioner serves for a term of 3 years.

