

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FOUR

S.P. 972 - L.D. 2254

**An Act to Clarify Permissible Election and Lobbying Expenditures by
Consumer-owned Utilities and the Casco Bay Island Transit District**

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

Whereas, legislation was enacted during the First Special Session of the 131st Legislature amending the laws governing political expenditures, lobbying expenditures, trade association contributions and educational expenditures made by a public utility or an affiliated interest; and

Whereas, the new provisions of law include exemptions for consumer-owned water utilities related to educational expenditures and trade association contributions but not for lobbying expenditures or certain local referendum election expenditures; and

Whereas, the Public Utilities Commission is currently engaging in rulemaking that will include interpreting the new laws; however, rulemaking will not be completed before adjournment of the Second Regular Session of the 131st Legislature; and

Whereas, the Public Utilities Commission, through the rule-making process, could interpret the new laws to effectively prohibit or significantly limit a consumer-owned utility from engaging in lobbying activities or activities necessary to finance legally required trustee elections or referendum elections and notify the public about those elections; and

Whereas, in the judgment of the Legislature, it is important to clarify these new laws with respect to consumer-owned utilities during the Second Regular Session of the 131st Legislature and for the changes to take effect earlier than 90 days after the date of adjournment; 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,

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

Sec. 1. 35-A MRSA §302, sub-§2, ¶A, as enacted by PL 2023, c. 286, §1, is amended to read:

A. Contributions or gifts to political candidates, political parties, political or legislative committees or any committee or organization working to influence referendum petitions or elections. Nothing in this paragraph prohibits a consumer-owned water utility, a consumer-owned transmission and distribution utility or the Casco Bay Island Transit District, created by Private and Special Law 1981, chapter 22, from undertaking expenditures related to notifying the public of or conducting trustee elections or local referendum elections directly related to or legally required for the operation of a consumer-owned water utility, consumer-owned transmission and distribution utility or the Casco Bay Island Transit District;

Sec. 2. 35-A MRSA §302, sub-§2, ¶C, as enacted by PL 2023, c. 286, §1, is amended to read:

C. Expenditures for lobbying or grassroots lobbying. This paragraph does not apply to a consumer-owned water utility, a consumer-owned transmission and distribution utility or the Casco Bay Island Transit District, created by Private and Special Law 1981, chapter 22; and

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.