



HOUSE OF REPRESENTATIVES

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**Testimony of Representative Melanie Sachs introducing
*LD 1127, An Act to Establish Immunity for a Receiver Appointed by the Public Utilities
Commission to Oversee the Operations of a Consumer-owned Water Utility*
Before the Joint Standing Committee on Energy, Utilities and Technology**

Senator Lawrence and esteemed members of the Joint Standing Committee Energy, Utilities and Technology, my name is Melanie Sachs, and I am honored to represent the community of Freeport in the Maine Legislature.

I am before you today to introduce *LD 1127, An Act to Establish Immunity for a Receiver Appointed by the Public Utilities Commission to Oversee the Operations of a Consumer-owned Water Utility*, a bill submitted on behalf of the Public Utilities Commission (PUC).

Public Law 2021, chapter 711, now codified at 35-A M.R.S. § 6410-A, allows the Commission, after an investigation, to appoint a receiver to oversee the operations of a consumer-owned water utility if the Commission determines the utility lacks a sufficient number of duly elected trustees to constitute a quorum. The receiver has all the authorities granted to a full board of trustees.

In discussions with the PUC, they indicated that in exercising this authority, they have had viable candidates for this role, but in one instance, the person was unwilling to accept the appointment due to concerns regarding liability.

To acknowledge this concern, the PUC has offered this bill clarifying that a receiver appointed by the Commission acting in good faith while exercising the authorities granted to a full board of trustees must be treated in the same manner as an employee acting on behalf of a governmental entity under the Maine Tort Claims Act.

Simply put, this change provides a receiver, who acts in place of trustees, with the same immunity accorded to trustees under existing law.

I recommend that the Public Utilities Commission, per our Committee rules, be allowed to address the committee next to further discuss the proposed legislation.

Thank you for your time, and for the opportunity to submit this bill for consideration.