



STATE OF MAINE
PUBLIC UTILITIES COMMISSION

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**Testimony of the Maine Public Utilities Commission
In Support Of**

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

April 2, 2025

Senator Lawrence, Representative Sachs, and Distinguished Members of the Joint Standing Committee on Energy, Utilities, and Technology (Committee), my name is Deirdre Schneider, testifying in support of 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 on behalf of the Public Utilities Commission (Commission).

Public Law 2021, chapter 711¹ allows the Commission to appoint a receiver to oversee the operations of a consumer-owned water utility, if the Commission determines that the utility's board of trustees lacks a sufficient number of trustees to constitute a quorum. Since the enactment of this provision, the Commission has exercised this authority. In seeking candidates to assume the role of a receiver, concerns have been raised regarding a person's liability in this role. In at least one instance a very qualified candidate turned down the role due to these concerns.

LD 1127 attempts to address concerns regarding liability by providing that a receiver appointed by the Commission that is acting in good faith while exercising the authorities of 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 (MTCA). While this bill does not solve every liability concern, it does provide a receiver, who acts as a board of trustees, with the same immunity accorded to trustees under the MTCA. LD 1127 is a practical approach to address an issue and strengthens the Commission's ability to find receivers when the need arises.

I would be happy to answer any questions or provide additional information for the work session.

¹ Now codified at 35-A M.R.S. § 6410-A