

To: Senator Lawrence, Representative Berry, and Members of the Committee for Energy Utilities and Technology

From: Bradley Sawyer, Director of Government Affairs

Date: May 18, 2021

Re: Testimony in Support of L.D. 245

Senator Lawrence, Representative Berry, and Members of the Joint Committee for Energy Utilities and Technology, thank you for the opportunity to speak with you today. My name is Brad Sawyer, and I am the Director of Government Affairs for the Maine Rural Water Association.

Late last year staff from the Maine Rural Water Association were invited to a zoom town hall with the Corinna Board of Selectmen, and representatives from the Maine PUC and other departments. The major question posed before the meeting was what happens to the water and sewer districts if all trustees step aside and no one comes forward to serve? We quickly realized that no one had a good answer to the question, and something had to be done. We are proud to have worked with Senator Guerin, and staff at the PUC, in crafting this legislation and hope we can earn unanimous support from this committee. This is the beginning of a conversation that is happening around the state as small utilities see their volunteer base age and less interest from younger generations to step forward.

The amendment for L.D. 245 would allow the Public Utilities Commission, after an investigating a consumer owned utility that lacked a duly elected board of trustees, to appoint a receiver to oversee the operations of that utility. That receiver would work to reconstitute the board and have all authorities granted to the board until a time that a legal quorum is established on the board. This is an important provision in the legislation as a board without legal standing cannot accomplish the work it is tasked with. They are unable to make binding decisions, apply for funding, or authorize needed expenditures to keep the utility running.

It is important to note that we hope this legislation will not be utilized in the future. Mainers have a strong history of community service and Maine Rural Water, along with our partners in the industry, will continue to encourage folks to step forward and play a role in their local utilities. This bill will not lead to micro-managing of boards by the PUC, nor will it cede power to the Commission regarding the members of a utility's board of trustees. Those decisions remain with the local communities and are dictated by each utility's charter; a document that is approved by the Legislature.

L.D. 245 presents an opportunity to get in front of an issue that may start appearing more, especially in rural Maine where the pool of potential board members is considerably smaller than in urban areas. We view this legislation as important for these communities should an incident arise where they have a long period without a quorum on their board of trustees. Thank you for the opportunity to comment on this legislation and if you have any questions, please do not hesitate to contact me at Bradley.Sawyer@MaineRWA.org or 207-737-9014.