



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 441

S.P. 173

In Senate, February 14, 2013

**Resolve, Directing the Public Utilities Commission To Develop a
Plan To Reform Water Regulation**

Reference to the Committee on Energy, Utilities and Technology suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator HASKELL of Cumberland.
Cosponsored by Representative DION of Portland and
Senator: President ALFOND of Cumberland, Representatives: FARNSWORTH of Portland,
JORGENSEN of Portland, MOONEN of Portland.

1 **Sec. 1. Regulatory reform plan. Resolved:** That the Public Utilities
2 Commission, referred to in this resolve as "the commission," shall develop a plan to
3 reform water regulation in the State in accordance with the following.

4 1. The plan must be consistent with the following:

5 A. Regulatory burdens must be the minimum necessary to protect the public welfare;

6 B. Regulatory reform may not relieve any provider from complying with
7 environmental obligations under either state or federal law, including but not limited
8 to those relating to the safety of drinking water;

9 C. Regulatory reform may make distinctions between water utilities based on the
10 utilities' available resources and expertise, as well as on the form of local governance;
11 and

12 D. Regulatory reform must ensure the continued adequacy of consumer protection
13 regulation, including the maintenance of appropriate limitations on disconnection and
14 collection practices, and must ensure that consumers have adequate mechanisms
15 available to them to resolve complaints fairly and promptly.

16 2. In developing the plan, the commission:

17 A. Shall seek input from interested parties but is not required to conduct an
18 adjudicatory proceeding; and

19 B. Shall examine the current regulatory structure in accordance with the
20 requirements in subsection 1 and may not presume existing laws and rules are
21 appropriately designed for the current competitive environment.

22 3. The commission shall submit its plan to the Joint Standing Committee on Energy,
23 Utilities and Technology no later than December 31, 2013. The plan must describe
24 necessary changes to law, rules or procedures and any other necessary actions to
25 implement the plan. To the maximum extent practicable, the commission shall establish
26 target dates for implementation of the elements of the plan no later than 90 days after the
27 adjournment of the Second Regular Session of the 126th Legislature. The commission
28 shall include with the plan a draft of any legislation necessary to implement the plan and,
29 consistent with the requirements of the Maine Revised Statutes, Title 5, chapter 375,
30 changes to rules necessary to implement the plan.

31 The Joint Standing Committee on Energy, Utilities and Technology may report out a bill
32 to reform water regulation to the Second Regular Session of the 126th Legislature; and be
33 it further

34 **Sec. 2. Action on filings. Resolved:** That, consistent with the purposes of this
35 resolve and the requirements in section 1, the Public Utilities Commission shall seek to
36 process any filings submitted by water utilities for exemptions under the Maine Revised
37 Statutes, Title 35-A with as much deliberate speed as possible, within the constraints of
38 existing resources.

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SUMMARY

This resolve directs the Public Utilities Commission to develop a plan to reform water regulation and report to the Joint Standing Committee on Energy, Utilities and Technology no later than December 31, 2013. The Joint Standing Committee on Energy, Utilities and Technology may report out a bill to reform water regulation to the Second Regular Session of the 126th Legislature. It also directs the commission to seek to process any filings submitted by water utilities for exemptions under the laws governing utilities with as much deliberate speed as possible, within the constraints of existing resources.