



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1455

S.P. 451

In Senate, April 12, 2011

**An Act To Create Efficiencies in State Government by Transferring
the Duties of the Public Advocate to the Office of the Attorney
General**

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

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator THIBODEAU of Waldo.
Cosponsored by Representative KESCHL of Belgrade and
Representatives: CRAY of Palmyra, CURTIS of Madison, DAVIS of Sangerville.

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

2 **Sec. 1. 5 MRSA §191-C** is enacted to read:

3 **§191-C. Advocacy duties**

4 In addition to the duties under section 191, the Attorney General has advocacy duties
5 as provided in this section.

6 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
7 following terms have the following meanings.

8 A. "Competitive service provider" has the same meaning as in Title 35-A, section
9 102, subsection 2-A.

10 B. "Consumer-owned transmission and distribution utility" has the same meaning as
11 in Title 35-A, section 3501, subsection 1.

12 C. "Public utility" has the same meaning as in Title 35-A, section 102, subsection 13.

13 **2. Public utilities.** The Attorney General shall represent the using and consuming
14 public in matters within the jurisdiction of the Public Utilities Commission, including, but
15 not limited to, by:

16 A. Reviewing, investigating and making appropriate recommendations to the Public
17 Utilities Commission with respect to:

18 (1) The reasonableness of rates charged or proposed to be charged by any public
19 utility;

20 (2) The reasonableness and adequacy of the service furnished or proposed to be
21 furnished by any public utility or competitive service provider;

22 (3) Any proposal by a public utility to reduce or abandon service to the public;

23 (4) The issuance of certificates of public convenience and necessity.
24 Recommendations may include alternative analyses and plans as necessary;

25 (5) Terms and conditions of public utilities;

26 (6) Mergers and consolidations of public utilities;

27 (7) Contracts of public utilities with affiliates or subsidiaries; and

28 (8) Securities, regulations and transactions of public utilities;

29 B. Intervening in any proceeding before the Public Utilities Commission related to
30 the activities under paragraph A when determined necessary by the Attorney General;

31 C. Petitioning the Public Utilities Commission to initiate proceedings to review,
32 investigate and take appropriate action with respect to the rates or service of any
33 public utility or competitive service provider when determined necessary by the
34 Attorney General;

35 D. Investigating complaints affecting the using and consuming public generally or
36 particular groups of consumers and, when appropriate, making recommendations to

1 the Public Utilities Commission with respect to these complaints when determined
2 necessary by the Attorney General;

3 E. On behalf of the using and consuming public, or any particular group of
4 consumers, petitioning to initiate or intervening and appearing in any proceedings
5 before the Public Utilities Commission, appeals from orders of the Public Utilities
6 Commission or proceedings before state and federal agencies and courts in which the
7 subject matter of the action affects the customers of any public utility or competitive
8 service provider doing business in this State, except that the Attorney General may
9 not intervene in any proceeding in which the Public Utilities Commission staff is
10 representing a position substantially similar to that of the Attorney General, as
11 determined by the Attorney General;

12 F. Preparing and submitting an annual report of activities of the Attorney General
13 performed under this subsection to the Governor and to the joint standing committee
14 of the Legislature having jurisdiction over public utilities matters by August 1st of
15 each year, with copies available to all Legislators on request;

16 G. Assisting customers of consumer-owned transmission and distribution utilities in
17 reviewing proposed rate increases and preparing questions and testimony for public
18 hearings and, on request of a customer and when determined necessary by the
19 Attorney General, intervening in the proceedings conducted in accordance with Title
20 35-A, chapter 35; and

21 H. When the Attorney General determines it necessary, serving as a voting member
22 of any regional body whose decisions directly affect the prices or quality of utility
23 services in the State, as long as that service is limited to a seat that is designated for
24 the representation of consumer interests. Service as a voting member of a regional
25 body in accordance with this paragraph does not create or constitute a conflict of
26 interest pursuant to section 18.

27 In addition to the limitations of section 18, the Attorney General or any employee of the
28 Attorney General may not have any official or professional connection or relation with, or
29 hold any stock or securities in, a public utility or competitive service provider operating
30 within this State, render any professional service against any such public utility or
31 competitive service provider or be a member of a firm that renders any such service.

32 **3. Insurance.** In performing advocacy duties in insurance matters, the Attorney
33 General:

34 A. Shall represent the interests of insureds and policyholders in matters under Title
35 24-A, chapter 25, subchapter 2-B within the jurisdiction of the Superintendent of
36 Insurance, including, but not limited to:

37 (1) Rate filings under Title 24-A, chapter 25;

38 (2) Rulemaking;

39 (3) Petitions by insurers to terminate license authority, including withdrawal
40 plans, submitted pursuant to Title 24-A, section 415-A;

41 (4) Proceedings by the Superintendent of Insurance concerning the
42 reasonableness and adequacy of the service provided by any insurer;

