

128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 802

H.P. 582

House of Representatives, March 2, 2017

An Act To Strengthen the Independence of the Public Advocate

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

ROBERT B. HUNT

R(+ B. Hunt

Clerk

Presented by Representative SHERMAN of Hodgdon. (BY REQUEST)

1	Be it enacted by the People of the State of Maine as follows:		
2	Sec. 1. 5 MRSA §12004-I, sub-§93 is	enacted to read:	
3	<u>93.</u>		
4 5	Public Advocate Public Advocate Advisory Board	Not Authorized	35-A MRSA §1701-A
6 7	Sec. 2. 35-A MRSA §1701, sub-§1-amended to read:	•A, as enacted by PL 2	2009, c. 399, §2, is
8 9	1-A. Appointment of the Public Advocate; term; removal. This subsection governs the appointment, term of service and removal of the Public Advocate.		
10 11 12	A. The Governor board shall appoint the Public Advocate, subject to review by the joint standing committee of the Legislature having jurisdiction over public utilities matters and to confirmation by the Legislature.		
13 14 15 16	B. The Public Advocate shall serve for a 4-year 1-year term of office, beginning on February 1, 2013 and every 4 years thereafter 2017. The Public Advocate shall serve for a 6-year term of office beginning February 1, 2018 and on February 1st every 6 years thereafter.		
17 18	C. The Public Advocate may continue to serve beyond the end of the 4 year <u>a</u> term until a successor is appointed and qualified.		
19 20	D. Any vacancy occurring must be filled by appointment for the unexpired portion of the term.		
21 22 23 24	E. Any willful violation of this chapter by the Public Advocate constitutes sufficient cause for removal of the Public Advocate by the Governor, on the address of both branches of the Legislature or by impeachment pursuant to the Constitution of Maine, Article IX, Section 5. The Public Advocate serves at the pleasure of the board.		
25	Sec. 3. 35-A MRSA §1701-A is enacted to read:		
26	§1701-A. Public Advocate Advisory Board		
27 28	1. Established. The Public Advocate Advisory Board, referred to in this chapter as "the board," is established in Title 5, section 12004-I, subsection 93.		
29	2. Members. The board consists of 3 members as follows:		
30	A. One member appointed by the Governor;		
31	B. One member appointed by the President of the Senate; and		
32	C. One member appointed by the Speaker of the House of Representatives.		
33	3. Terms. Members of the board serve 3-year terms and may be reappointed.		

1 **4. Duties.** The board shall appoint the Public Advocate, subject to confirmation by the Legislature as provided in section 1701, subsection 1-A, paragraph A, and provide 2 policy guidance to the Public Advocate. 3 4 **5.** Compensation. Members of the board serve without compensation. 5 Sec. 4. 35-A MRSA §1702, sub-§6, as enacted by PL 1987, c. 141, Pt. A, §6, is 6 amended to read: 7 **6. Annual report.** The Public Advocate shall prepare and submit an annual report 8 of activities of the Public Advocate to the Governor, the board and to the joint standing committee of the Legislature having jurisdiction over public utilities matters by August 9 1st of each year, with copies available to all legislators on request. In addition to 10 submitting the annual report, the Public Advocate shall report to the board on a regular 11 12 basis. 13 Sec. 5. Initial appointments. The appointing authorities for the Public Advocate Advisory Board in the Maine Revised Statutes, Title 35-A, section 1701-A, subsection 2 14 shall make initial appointments to the board no later than 30 days after the effective date 15 16 of this Act. Sec. 6. Transition. The Public Advocate who is serving on the effective date of 17 this Act continues to serve until the Public Advocate Advisory Board, established in the 18 19 Maine Revised Statutes, Title 35-A, section 1701-A, appoints a Public Advocate to serve 20 a 6-year term beginning February 1, 2018.

21 SUMMARY

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This bill establishes the Public Advocate Advisory Board. The board consists of 3 members, one appointed by the Governor, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives. The board appoints the Public Advocate to a 6-year term, subject to confirmation by the Legislature, and provides policy guidance to the Public Advocate. The Public Advocate's first 6-year term begins February 1, 2018.