

§1305. Hearings; examiners

1. Commission's powers. Each of the commissioners, for the purposes of this Title, may:

- A. Hold hearings; [PL 1987, c. 141, Pt. A, §6 (NEW).]
- B. Conduct investigations; [PL 1987, c. 141, Pt. A, §6 (NEW).]
- C. Administer oaths; [PL 1987, c. 141, Pt. A, §6 (NEW).]
- D. Certify to official acts; [PL 1987, c. 141, Pt. A, §6 (NEW).]
- E. Issue subpoenas; [PL 1987, c. 141, Pt. A, §6 (NEW).]
- F. Compel the attendance of witnesses and the production of books, accounts, papers, documents and testimony; [PL 1987, c. 141, Pt. A, §6 (NEW).]
- G. Punish by fine and imprisonment for contempt; and [PL 1987, c. 141, Pt. A, §6 (NEW).]
- H. Issue all processes necessary to the performance of the commission's duties. [PL 1987, c. 141, Pt. A, §6 (NEW).]

[RR 2011, c. 2, §38 (COR).]

2. Examiners. The commission may appoint examiners who have authority to:

- A. Administer oaths; [PL 1987, c. 490, Pt. C, §4 (RPR).]
- B. Examine witnesses; [PL 1987, c. 490, Pt. C, §4 (RPR).]
- C. Issue subpoenas; [PL 1987, c. 490, Pt. C, §4 (RPR).]
- D. Require the production of books, accounts, papers, documents and testimony; and [PL 1987, c. 490, Pt. C, §4 (RPR).]
- E. Receive evidence in any matter under the commission's jurisdiction. [PL 1987, c. 490, Pt. C, §4 (RPR).]

The examiners also shall perform such other duties as may be assigned to them.

[PL 1987, c. 490, Pt. C, §4 (RPR).]

3. Evidence. Evidence taken and received by the examiners has the same effect as evidence taken and received by the commission and authorizes commission action as though taken and received by it. When objection is made to the admissibility of evidence, examiners authorized to practice before the Supreme Judicial Court shall rule on the admissibility of evidence in accordance with the practice and rules of evidence in civil actions in the Superior Court except as otherwise provided.

[PL 1993, c. 108, §1 (AMD).]

4. Right to appeal. Either the examiner or the commissioner, who is the presiding officer at the hearing, shall at the outset of the hearing inform the public as to the steps necessary to preserve its right to appeal the final order or decision of the commission to the Supreme Judicial Court under the provisions of section 1320.

[PL 1987, c. 141, Pt. A, §6 (NEW).]

5. Use of advisory staff. This subsection applies to the participation of advisory staff and consultants in commission proceedings.

A. If an advisory staff member or consultant relies upon facts not otherwise in the record or presents to the commission any independent financial or technical analysis not otherwise in the record, the staff member or consultant:

- (1) Shall place any such information into the record;
- (2) Is subject to discovery; and

(3) Must be available to answer questions regarding those facts or analysis, in the same manner as witnesses in the proceeding, at a time sufficient to permit parties to respond.

This paragraph does not apply to reviews, evaluations or examinations of information, data, studies, analyses or computer modeling placed into the record by other parties or other aid or advice provided by advisory staff members or consultants. Compliance with this paragraph does not render the advisory staff member or consultant an advocate under the Maine Administrative Procedure Act. [PL 1997, c. 691, §3 (NEW); PL 1997, c. 691, §10 (AFF).]

B. On request of any party in a proceeding, the commission shall assign one or more staff members who are not advisors in the proceeding to rule on any objection to discovery requests made by or directed to advisors. [PL 1997, c. 691, §3 (NEW); PL 1997, c. 691, §10 (AFF).]

C. The commission may assign one or more staff members who are not advisors in a proceeding to serve as advocates to facilitate negotiated settlements in the proceeding. If the commission receives a written request from all of the parties in an adjudicatory proceeding that one or more staff advocates be appointed to facilitate a negotiated settlement in the proceeding, the commission shall either grant the request or issue a written order explaining the reasons why the commission denies the request. [PL 1999, c. 602, §1 (AMD).]

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SECTION HISTORY

PL 1987, c. 141, §A6 (NEW). PL 1987, c. 490, §C4 (AMD). PL 1993, c. 108, §1 (AMD). PL 1997, c. 691, §3 (AMD). PL 1997, c. 691, §10 (AFF). PL 1999, c. 602, §1 (AMD). RR 2011, c. 2, §38 (COR).

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