

§1701. Appointment and staff**(CONFLICT)****1. Appointment of the Public Advocate.**

[PL 2009, c. 399, §1 (RP).]

1-A. Appointment of the Public Advocate; term; removal. This subsection governs the appointment, term of service and removal of the Public Advocate.

A. The Governor 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. [PL 2009, c. 399, §2 (NEW).]

B. The Public Advocate shall serve for a 4-year term of office, beginning on February 1, 2013 and every 4 years thereafter. [PL 2009, c. 399, §2 (NEW).]

C. The Public Advocate may continue to serve beyond the end of the 4-year term until a successor is appointed and qualified. [PL 2009, c. 399, §2 (NEW).]

D. Any vacancy occurring must be filled by appointment for the unexpired portion of the term. [PL 2009, c. 399, §2 (NEW).]

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. [PL 2009, c. 399, §2 (NEW).]

[PL 2009, c. 399, §2 (NEW).]

2. Staff of the Public Advocate. The staff of the Public Advocate consists of such other personnel, including staff attorneys, as the Public Advocate determines necessary to represent the using and consuming public, as required by subsection 1702. All personnel under this subsection must be appointed, supervised and directed by the Public Advocate. The Public Advocate is not subject to the supervision, direction or control of the chair or members of the commission.

[RR 2021, c. 1, Pt. B, §400 (COR).]

2-A. Nonwires alternative policy; coordinator; services. The Public Advocate shall contract with a person or entity, referred to in this subsection as "the nonwires alternative coordinator," to provide services in accordance with this subsection. As used in this subsection, "nonwires alternative" has the same meaning as in section 3131, subsection 4-C. The nonwires alternative coordinator shall:

A. Review small transmission project and distribution project planning studies in accordance with section 3132-B; [PL 2019, c. 298, §3 (NEW).]

B. Investigate and make recommendations regarding nonwires alternatives to proposed capital investments in the transmission and distribution system pursuant to sections 3132, 3132-A and 3132-B and in accordance with section 3132-C; [PL 2019, c. 298, §3 (NEW).]

C. Conduct benefit-cost analyses to evaluate the cost-effectiveness of nonwires alternatives and make recommendations regarding nonwires alternatives and procurement of recommended nonwires alternatives in accordance with sections 3132-C and 3132-D; and [PL 2019, c. 298, §3 (NEW).]

D. Track the implementation of nonwires alternative projects in the State and issue quarterly reports on the projects' progress, including project budgets, timelines, in-service dates, costs incurred, operational savings and other benefits. [PL 2019, c. 298, §3 (NEW).]

The nonwires alternative coordinator shall collaborate with the Efficiency Maine Trust, transmission and distribution utilities and interested parties in performing the services required by this subsection.

The Public Advocate shall include in its annual report required under section 1702, subsection 6 information regarding the services provided by the nonwires alternative coordinator.
[PL 2019, c. 298, §3 (NEW).]

3. Salaries of certain employees. The salaries of the following employees of the Public Advocate are within the following salary ranges:

- A. Deputy Public Advocate, salary range 53; [PL 1999, c. 259, §4 (NEW).]
- B. Senior Counsel, salary range 36; [PL 1999, c. 259, §4 (NEW).]
- C. [PL 2011, c. 655, Pt. P, §1 (RP).]
- D. [PL 2019, c. 226, §2 (RP).]
- E. Senior Assistant to the Public Advocate, salary range 26; [PL 2021, c. 195, §2 (AMD).]
- F. **(CONFLICT: Text as amended by PL 2019, c. 226, §2)** Special Assistant to the Public Advocate, salary range 20; and [PL 2019, c. 226, §2 (AMD).]
- F. **(CONFLICT: Text as amended by PL 2019, c. 298, §4)** Special Assistant to the Public Advocate, salary range 25. [PL 2019, c. 298, §4 (AMD).]
- G. Economic Analyst, salary range 36. [PL 2019, c. 226, §2 (NEW).]

The employees listed in this subsection serve at the pleasure of the Public Advocate and are confidential employees. All other employees of the Public Advocate are subject to the Civil Service Law.

The Public Advocate may compensate one or more Senior Counsels at salary range 37 if, in the judgment of the Public Advocate, an increase is necessary to provide competitive salary levels.
[PL 2021, c. 195, §2 (AMD).]

SECTION HISTORY

PL 1987, c. 141, §A6 (NEW). PL 1999, c. 259, §4 (AMD). PL 2001, c. 476, §1 (AMD). PL 2009, c. 399, §§1, 2 (AMD). PL 2011, c. 655, Pt. P, §1 (AMD). PL 2019, c. 226, §2 (AMD). PL 2019, c. 298, §§3, 4 (AMD). PL 2021, c. 195, §2 (AMD). RR 2021, c. 1, Pt. B, §400 (COR).

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