

# MAINE STATE LEGISLATURE

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R.S.

L.D. 1326

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DATE: 2/10/94

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
116TH LEGISLATURE  
SECOND REGULAR SESSION

HOUSE AMENDMENT "A" to S.P. 417, L.D. 1326, Bill, "An Act to Require that All Interest on Escrowed Assessments on Utilities Be Used for the Benefit of the Public Utilities Commission and the Office of the Public Advocate"

Amend the bill by striking out all of section 2 (page 1, lines 15 to 49 and page 2, lines 1 to 20 in L.D.) and inserting in its place the following:

'Sec. 2. 35-A MRSA §116, sub-§8, as amended by PL 1993, c. 174, §1, is further amended to read:

8. **Public Advocate assessment.** Every utility subject to assessment under this section is subject to an additional annual assessment on its intrastate gross operating revenues to produce \$557,307 in revenues for fiscal year 1993-94 and \$571,615 in fiscal year 1994-95 for operating the Office office of the Public Advocate. The revenues produced from this assessment are transferred to the Public Advocate Regulatory Fund upon payment by a utility and may only be used to fulfill the duties specified in chapter 17. The Treasurer of State may invest any unexpended balance in the fund as provided by law. After July 1, 1995, interest on any investment and the balance in the fund must be credited to the fund. The assessments charged to utilities under this subsection are considered just and reasonable operating costs for rate-making purposes. The Public Advocate shall develop a method of accounting for staff time within the Office office of the Public Advocate. All professional and support staff shall account for their time in such a way as to identify the percentage of time devoted to public utility regulation and the percentage of time devoted to other duties that may be required by law.

**HOUSE AMENDMENT**

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HOUSE AMENDMENT "A" to S.P. 417, L.D. 1326

2 A. The assessments and expenditures provided in this  
4 section are subject to legislative approval in the same  
6 manner as the budget of the Public Advocate is approved.  
8 The Public Advocate shall make an annual report of its  
planned expenditures for the year and on its use of funds in  
the previous year. The Public Advocate may also receive  
other funds as appropriated by the Legislature.

10 B. The Public Advocate may use the revenues provided in  
12 accordance with this section to fund 7 employees and to  
14 defray the costs incurred by the Public Advocate pursuant to  
16 this Title, including administrative expenses, general  
expenses, consulting fees and all other reasonable costs  
incurred to administer this Title.

18 C. Except as specified in this subsection, any amount of  
20 the funds that is not expended at the end of a fiscal year  
22 does not lapse, but must be carried forward to be expended  
24 for the purposes specified in this section in succeeding  
26 fiscal years; but any unexpended funds in excess of 7% of  
the total annual assessment authorized in this section must,  
at the option of the Public Advocate, either be presented to  
the Legislature in accordance with paragraph A for  
reallocation and expenditure or used to reduce the utility  
assessment in the following fiscal year.

28 D. Any utility, subject to this section, that willfully  
30 fails to pay the assessments in accordance with this section  
32 commits a civil violation for which a forfeiture of not more  
than \$500 may be adjudged per day for which payment is not  
made following the due date.'

34 STATEMENT OF FACT

36 This amendment is being presented on behalf of the Committee  
38 on Bills in Second Reading to include changes made to the Maine  
40 Revised Statutes, Title 35-A, section 116, subsection 8 by Public  
Law 1993, chapter 174, section 1.

42  
44 SPONSORED BY: Carol A. Kontos JTG  
(Representative KONTIOS)

46 TOWN: Windham