

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 1326

S.P. 417

Received by the Secretary, April 20, 1993

**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.**

Referred to the Committee on Appropriations and Financial Affairs and 1200 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator CLEVELAND of Androscoggin.

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

2
4 **Sec. 1. 35-A MRSA §116, sub-§3**, as enacted by PL 1987, c. 141,
Pt. A, §6, is amended to read:

6 **3. Deposit of funds.** All revenues derived from assessments
levied against utilities described in this section shall must be
8 deposited upon payment by a utility with the Treasurer of State
in a separate account to be known as the Public Utilities
10 Commission Regulatory Fund. The Treasurer of State may invest
any unexpended balance in the fund as provided by law. After
12 July 1, 1995, interest on any investments and the balance in the
fund must be credited to the fund.

14
16 **Sec. 2. 35-A MRSA §116, sub-§8**, as amended by PL 1991, c. 528,
Pt. CC, §2, is further amended to read:

18 **8. Public Advocate assessment.** Every utility subject to
assessment under this section is subject to an additional annual
20 assessment on its intrastate gross operating revenues to produce
\$511,203 in revenues for fiscal year 1991-92 and \$548,771
22 beginning in fiscal year 1992-93 for operating the Office office
of the Public Advocate. The revenues produced from this
24 assessment are transferred to the Public Advocate Regulatory Fund
upon payment by a utility and may only be used to fulfill the
26 duties specified in chapter 17. The Treasurer of State may
invest any unexpended balance in the fund as provided by law.
28 After July 1, 1995, interest on any investment and the balance in
the fund must be credited to the fund. The assessments charged
30 to utilities under this subsection are considered just and
reasonable operating costs for rate-making purposes. The Public
32 Advocate shall develop a method of accounting for staff time
within the Office office of the Public Advocate. All
34 professional and support staff shall account for their time in
such a way as to identify the percentage of time devoted to
36 public utility regulation and the percentage of time devoted to
other duties that may be required by law.

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

46 B. The Public Advocate may use the revenues provided in
48 accordance with this section to fund 7 employees and to
defray the costs incurred by the Public Advocate pursuant to

2 this Title, including administrative expenses, general
expenses, consulting fees and all other reasonable costs
4 incurred to administer this Title.

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

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

22 STATEMENT OF FACT

24 This bill requires that after July 1, 1995, all interest on
26 funds or investments from the Public Utilities Commission
Regulatory Fund and the Public Advocate Regulatory Fund must be
28 credited to those funds.