

# MAINE STATE LEGISLATURE

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FINAL REPORT

of the

**JOINT STANDING COMMITTEE ON  
APPROPRIATIONS AND FINANCIAL AFFAIRS**

An Organizational and Financial Review  
of the

**OFFICE OF THE PUBLIC ADVOCATE**

Appropriations Subcommittee Members:

Sen. Michael D. Pearson  
Sen. Thomas R. Perkins

Rep. Donald V. Carter, Chair  
Rep. John Lisnik  
Rep. Roger M. Pouliot

Staff:

John D. Wakefield  
Office of Fiscal and Program Review  
State House Station #5  
Augusta, Maine 04333  
(207) 289-1635

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- G. Proposed General Fund Budget for Office of Public Advocate in FY 1991

## I. INTRODUCTION

On July 13, 1989, the Joint Standing Committee on Appropriations and Financial Affairs submitted a letter to the Legislative Council requesting authorization to conduct an organizational and financial review of the Office of Public Advocate (see Appendix A). The Legislative Council at its July 19, 1989 meeting provided that authorization. The Committee was to conclude its work prior to the convening of the Second Regular Session of the 114th Legislature.

The Joint Standing Committee on Appropriations and Financial Affairs organized a five-member subcommittee to conduct the review. The subcommittee was comprised of the following members:

Sen. Michael Pearson  
Sen. Thomas Perkins

Rep. Donald Carter, Chair  
Rep. John Lisnik  
Rep. Roger Pouliot

The subcommittee held four meetings during the fall of 1989. Each meeting was attended by the Public Advocate as well as representatives of various public utilities, consumer groups, agencies of state government, and members of the general public. A considerable portion of the subcommittee's meetings was utilized to receive testimony regarding the location, role, and financing of the Office of Public Advocate.

The subcommittee received valuable input from Public Advocate Stephen Ward, Deputy Attorney General James Kilbreth, Public Utilities Chairman Kenneth Gordon, Gordon Weil, Christopher St. John, and various representatives of the public utilities.

## II. BACKGROUND

The Public Advocate was established by Chapter 479 of the Public Laws of 1981, to assure that the interests of the "using and consuming public" are fully represented in utility-related proceedings before the Public Utilities Commission and other regulatory agencies. The Public Advocate is also authorized to intervene in workers' compensation hearings for rate changes pursuant to Title 24A, Chapter 25 of the Maine Revised Statutes.

The Public Advocate is appointed by the Governor subject to review by the Committee on Utilities and to confirmation by the Legislature, and serves at the pleasure of the Governor.

This study resulted, in part, from the concerns of some members of the Appropriations Committee, as well as other legislators, on two issues: the amount of General Fund dollars being appropriated to support the Public Advocate's Office and the organizational placement of this function in state government.

The issue of funding the Office of Public Advocate evolved during the First Regular Session of the One Hundred and Fourteenth Legislature. Appendix C provides a five-year financial history of the Office of Public Advocate including funding for the FY 1990-91 biennium.

The 114th Legislature enacted PL 1989, Chapter 571 which established the Public Advocate Regulatory Fund. The Fund is financed from an assessment on intrastate utility revenues, not to exceed \$189,000. This assessment allocates funds for four positions and related "All Other" expenditures for FY 1990; however, the assessment sunsets on June 30, 1990. Table 1 provides a summary of the funding available for the current biennium.

Table 1: Funding Summary for FY 1990-91 Biennium

<u>General Funds</u>	<u>FY 1989-90</u>	<u>FY 1990-91</u>
PL 1989, c. 68		
Positions	(8.0)	(8.0)
Personal Services	\$328,040	\$339,679
All Other	<u>131,102</u>	<u>131,059</u>
	\$459,142	\$470,738
 PL 1989, c. 501		
Positions	(-1.0)	(-1.0)
Personal Services	(\$26,430)	(\$ 26,750)
 PL 1989, c. 501		
Positions	(-4.0)	(-4.0)
Personal Services	(\$114,060)	(\$191,468)
All Other	<u>( 73,089)</u>	<u>( 61,135)</u>
	(\$187,157)	(\$252,603)
 Total General Funds		
Positions	(3.0)	(3.0)
Personal Services	\$187,542	\$121,461
All Other	<u>58,013</u>	<u>69,924</u>
	<u>\$245,555</u>	<u>\$191,385</u>
 Special Revenue - Public Advocate		
Regulatory - PL 1988, c. 571		
Positions	(4.0)	
Personal Services	\$115,000	- 0 -
All Other	<u>74,000</u>	
	<u>\$189,000</u>	- 0 -
 TOTAL FUNDING AVAILABLE	 <u>\$434,555</u>	 <u>\$191,385</u>

Appendix E includes copies of the relevant pages from legislation enacted to fund the Office of Public Advocate.

### III. OBJECTIVES AND METHODOLOGY

The objective of the Appropriations' Subcommittee on the Public Advocate was to answer the following questions:

- Should the Legislature change the current organizational placement of the Public Advocate's Office in state government?
- Should the Legislature change the source of funding for the Public Advocate's Office for FY 1991?

To answer these questions and to obtain information on the efficacy of the Public Advocate function, the subcommittee;

- obtained data from the National Association of State Utility Consumer Advocates on the organization, finances, and staffing of advocacy offices in forty states (See Appendix B);
- analyzed budget and expenditures of the Public Advocate for FY 1987, FY 1988, FY 1989, FY 1990, and FY 1991 (See Appendix C);
- reviewed the number and funding of advocates in state government (See Appendix D).
- reviewed information provided by the Public Advocate which included monthly activity reports, staff time allocations, and related financial data as required by PL 1989, Chapter 571. A summary of this data can be found in Appendix F;
- reviewed the funding of public advocate offices of forty states and selectively analyzed state laws where utility assessments have been levied to support advocacy functions; and
- heard comments and opinions regarding the organizational placement and funding of the Public Advocate from representatives of utilities, agencies of state government, and the public.

### IV. FINDINGS

1. The subcommittee finds that the current organizational placement of the Public Advocate under the Executive Branch should continue.

A survey of forty states with a total of forty-five utility advocacy programs revealed that eighteen public advocates are appointed and report to the Governor, twenty report to the Attorney General, one reports to the Legislature and seven are independent within their states. Of the twenty attorneys general who appoint public advocates, eighteen are publicly-elected and two are appointed by the Governor.

There was general consensus that the Office of Public Advocate has enjoyed relative independence and minimal oversight from the Governor's office since its inception in 1981. Of the nine individuals who provided testimony to the subcommittee, six supported continuing the current organizational placement, one proposed transfer to another branch of government, and two had no position regarding the issue. Several proponents of maintaining the current organizational placement felt that the Public Advocate should be accountable to a publicly-elected official.

2. The subcommittee finds that an additional \$287,758 in either general or special revenue funds will be needed in FY 1991 to maintain the current level of services provided by the Office of Public Advocate.

In FY 1990 the Legislature appropriated \$245,555 to fund three positions and operating costs and allocated \$189,000 in special revenue funds to support four positions and All Other expenses. The \$189,000 in dedicated revenue comes from an assessment on intrastate operating revenues of Maine utilities. This assessment sunsets on June 30, 1990.

In FY 1991 the Office of Public Advocate has a general fund appropriation of \$191,385 and no funds have been allocated or appropriated to cover the four positions and expenses funded by the assessment in FY 1990. The \$287,758 would provide funding for these four positions, operating costs, and cover increases in salaries, benefits, witness fees, and related expenses.

3. Testimony before the subcommittee reveals a difference of opinion as to whether or not a utility assessment should be levied to fund all or part of the Office of Public Advocate.

Those speaking in opposition to a utility assessment felt: (1) the assessment was a "regressive tax" imposed on ratepayers; (2) budgets supported by dedicated revenues receive less legislative scrutiny than those budgets financed with the General Fund; and (3) the assessment placed on utilities to fund the Maine Public Utility Commission has increased substantially over the past ten years.

Proponents of a utility assessment pointed out that: (1) utility companies' expenses for witness and legal fees in rate cases have risen dramatically and are passed on to ratepayers; (2) the Office of Public Advocate has accounted for over \$32 million in savings to ratepayers in the past eight years; (3) the percentage of the Maine PUC Regulatory Fund to utility revenues has remained relatively constant for the past seven years; and (4) as indicated in Appendix F, over 80% of the staff's time in the Public Advocate Office is dedicated either directly or indirectly to public utility issues.

## V. RECOMMENDATIONS

- 1) The subcommittee recommends that the Office of Public Advocate remain under the supervision of the Executive Department.
- 2) The subcommittee recommends that beginning July 1, 1990 the operating budget of the Office of Public Advocate be appropriated from the General Fund. It is further recommended that a total of \$479,143 be appropriated for FY 1991 and that the current authorized position count of seven be continued. A breakdown of the proposed General Fund budget is contained in Appendix G.
- 3) The subcommittee also recommends that the Public Advocate utility assessment on intrastate operating revenues of Maine utilities be continued; however, funds derived from the assessment shall be credited to the General Fund. It is proposed that assessment for FY 1991 be \$383,000 and that the assessments for subsequent years be made annually based upon eighty percent of the amount of funds appropriated by the Legislature for the Office of Public Advocate for the preceding fiscal year. The assessment of eighty percent on utility revenues is based on the allocation of staff time for utility related work adjusted for its pro rata share of administrative responsibilities (See Appendix F). The assessment would be payable by July 1 of each year.
- 4) The subcommittee further recommends that the Office of Public Advocate be authorized to continue a dedicated revenue account for funds received from intervening in workers' compensation rate proceedings and radioactive waste activities. These funds are currently used only to pay for expert witnesses, legal fees, and office operating expenses. It is recommended that statutory language be enacted to credit any reimbursement received for staff time allocated to such proceedings to the General Fund.



## APPENDIX A

Letter to Legislative Council Requesting Study

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APPENDIX A

SENATE

MICHAEL D. PEARSON, DISTRICT 6, CHAIR  
JOSEPH C. BRANNIGAN, DISTRICT 29  
THOMAS R. PERKINS, DISTRICT 12

STAFF

OFFICE OF FISCAL AND PROGRAM REVIEW  
BENT SCHLOSSER, DIRECTOR  
JAMES A. CLAIR, PRINCIPAL ANALYST



HOUSE

DONALD V. CARTER, WINSLOW, CHAIR  
LORRAINE N. CHONKO, TOPSHAM  
JOHN LISNIK, PRESQUE ISLE  
PATRICK K. MCGOWAN, CANAAN  
VINTON T. RIDLEY, SHAPLEIGH  
ROGER M. POULIOT, LEWISTON  
DONNELL P. CARROLL, GRAY  
LINWOOD M. HIGGINS, SCARBOROUGH  
RUTH S. FOSTER, ELLSWORTH  
JUDITH C. FOSS, YARMOUTH

STATE OF MAINE .

ONE HUNDRED AND FOURTEENTH LEGISLATURE

COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

July 13, 1989

Speaker John L. Martin, Chair  
Legislative Council  
114th Legislature  
State House  
Augusta, Maine 04333

Dear Speaker Martin:

As you will recall, the Joint Standing Committee on Appropriations and Financial Affairs recommended in the "Part 2" budget, and the Legislature subsequently enacted, a restructuring of the Public Advocate's Office. Effective January 1, 1990, four employees in the Public Advocate's office that are currently funded by the General Fund will be funded by a new public utilities assessment. A floor amendment was accepted that sunsets this assessment on June 30, 1990.

Sufficient questions remain in our minds, and in the minds of fellow Committee members, concerning how the Public Advocate's Office should be structured and financed that we would like to propose a five-member subcommittee of Appropriations Committee to be authorized to conduct an organizational and financial review of that office. We envision four meetings of the subcommittee being needed to conduct the study, as well as one meeting of the full committee to review the findings and recommendations of the subcommittee. It would be our intent to conclude the study and submit our report and any draft legislation to the Second Regular Session of the 114th Legislature by December 1, 1989. We envision the total cost of this study to be no more than \$5,000. We would further request that we be authorized to utilize our current staff in the Office of Fiscal and Program Review to assist us in conducting the study.

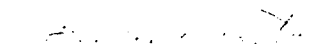
Speaker John L. Martin  
July 13, 1989  
Page 2

Given the relatively short amount of time available to conduct such a study, we would appreciate the Legislative Council's earliest review of our request. Please contact either of us or Jim Clair in the Office of Fiscal and Program Review if you require additional information.

Sincerely,



Michael D. Pearson,  
Senate Chair



Donald V. Carter,  
House Chair

cc: Members, Legislative Council  
Sally Diamond, Executive Director of  
the Legislative Council

## **APPENDIX B**

Organization, Budgets, and Staffing of Public Advocates  
in Other States

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APPENDIX B

National Data, 1987: Public Advocates and Consumer Counsels

Source: 1987 National Association of State Utility  
Consumer Advocates Directory

AFFILIATION				ADMINISTRATIVE		
STATE	GOV.	AG	IND.	STAFF	BUDGET	WORKLOAD
AL		X*		2 1/2	\$166.7 K	24 cases
AR		X**		7	\$395.6 K	13 cases
AZ	X			12	\$736.4 K	41 cases
CA			X private	4		18 cases
CO		X*		10	\$704.9 K	22 cases
CT	X			6 1/2	\$382.8 K	164 cases
DE	X			2	\$240 K	10 cases
DC	X mayor			28	\$1.005 M	31 cases
FL			X legis.	24	\$1.372 M	60 cases
GA	X			7	\$418.8 K	112 cases
HI	X			15	\$950 K	95 cases
IL	X			11	\$670 K	20 cases
IL	X			7	\$303.7 K	21 cases
IL		X*		7	\$369.1 K	16 cases
IN	X			31	\$2.261 M	447 cases
IA	X			13	\$842 M	24 cases
KY		X*		8	\$417 K	50 cases
LA		X*		4	\$104.8 K	4 cases
ME	X			7	\$369 K	78 cases
MD	X			13	\$1.600 M	NA

\* Elected by public

\*\* Appointed by Governor

AFFILIATION				ADMINISTRATIVE		
STATE	GOV.	AG	IND.	STAFF	BUDGET	WORKLOAD
MI		X*		10	\$900 K	103 cases
MA		X*		13	\$1.000 M	40 cases
MN		X*		6	\$444 K	6 cases
MS		X*		2 (pt)	- -	4 cases
MO	X			14	\$572 K	45 cases
NV		X*		9	\$250 K	118 cases
NH		X**		4	\$250 K	70 cases
NJ	X			38	\$3.000 M	13 cases & other types
NM		X*		6	\$359.8 K	39 cases
NY		X*		13	\$360 K	8 cases
NY	X			17	\$2.15 M	37 cases
NC	X			77	\$3.33 M	50 cases
NC		X*		8	\$250 K	NA
OH		X*		79	\$4.18 M	180 cases
PA		X*		27	\$2.5 M	34 cases
SC			X	8	\$453 K	98 cases
SD		X*		8	\$652 K	5 cases
TX	X			13	\$614 K	8 cases
UT	X			10 1/2	\$591.9 K	25 cases
VT			X (PUC)	19	\$1.64 M	174 dockets
VA		X*		2 1/2	NA	24 cases
WA			X private	1 1/4	\$50 K	6 cases
WA		X*		4	\$391 K	13 cases
WV			X (PSC)	9	\$660 K	60 cases
WI			X (CUB)	7	\$698 K	18 cases

\* Elected by public

\*\* Appointed by governor

AFFILIATION			ADMINISTRATIVE			
	GOV.	AG	IND.	STAFF avg.	BUDGET avg.	CASES avg.
TOTAL STATES 40						
TOTAL OFFICES 45	18	20	7	13.7	\$883,650	58 cases
MAINE PA 1987	X			7	\$369,000	78 cases

- Average cost per case: nationally, 1987      \$15,235 per case  
Maine, 1987      4,731 per case
- Average cases per staff: nationally, 1987      4.23 cases  
Maine, 1987      11.14 cases
- Case/Staff Ratio: Largest office (OH)      -- 2.27 less "efficiency"  
Smallest office (DE)      -- .20  
Average office      -- .20  
Maine, 1987      -- .09  
Most cases (IN)      -- .06 greater "efficiency"
- Budget/Case Ratio: Most cases (IN)      -- .219 less \$ per case  
Maine, 1987      -- .211  
Average office      -- .071  
Largest budget (OH)      -- .043  
Smallest Office (DE)      -- .042  
Least cases (SD)      -- .008 more \$ per case

## APPENDIX C

### Budget and Expenditures for Public Advocate

FY 1987, FY 1988, FY 1989, FY 1990, and FY 1991



PUBLIC ADVOCATE BUDGET  
FUNDING COMPARISON  
FY 1987 through FY 1991

	ACTUAL EXPENDITURES Fiscal Year 1987			ACTUAL EXPENDITURES Fiscal Year 1988			ACTUAL EXPENDITURES Fiscal Year 1989			APPROPRIATION/ALLOCATION Fiscal Year 1990			APPROPRIATION/ALLOCATION Fiscal Year 1991		
	GEN. FUND	SPEC. REV. <sup>1</sup>	TOTAL	GEN. FUND	SPEC. REV. <sup>1</sup>	TOTAL	GEN. FUND	SPEC. REV. <sup>1</sup>	TOTAL	GEN. FUND	SPEC. REV. <sup>2</sup>	TOTAL	GEN. FUND	SPEC. REV.	TOTAL
PERSONAL SERVICES															
Permanent Salaries	\$208,253	\$	\$208,253	\$191,195	\$	\$191,195	\$218,113	\$	\$218,113	\$143,190	\$89,028	\$232,218	\$116,560	\$	\$116,560
Project - Regular				1,748		1,748	360		360						
Health Insurance	8,153		8,153	8,205		8,205	12,816		12,816	10,260	6,820	17,080			
Dental Insurance	627		627	573		573	1,120		1,120	700	524	1,224			
Employee Health Svs.				90		90	366		366						
Retirement	28,250		28,250	30,670		30,670	41,332		41,332	32,318	17,118	49,436	4,901		4,901
Group Life	678		678	649		649	749		749	528	304	832			
Medicare	79		79	550		550	1,037		1,037	546	1,206	1,752			
<b>TOTAL PERSONAL SERVICES</b>	<b>\$246,040</b>	<b>\$</b>	<b>\$246,040</b>	<b>\$233,680</b>	<b>\$</b>	<b>\$233,680</b>	<b>\$275,893</b>	<b>\$</b>	<b>\$275,893</b>	<b>\$187,542</b>	<b>\$115,000</b>	<b>\$302,542</b>	<b>\$121,461*</b>	<b>\$</b>	<b>\$121,461</b>
ALL OTHER															
Prof. Svs.-Not State	\$ 35,258	\$ 27,578	\$ 62,836	\$108,743	\$ 50,422	\$159,165	\$ 50,743	\$38,199	\$ 88,942	\$ 22,911	\$ 74,000	\$ 96,911	\$ 36,061	\$	\$ 36,061
Prof. Svs.-State	600		600	1,067		1,067	150		150						
Travel-In State	1,112		1,112	2,558		2,558	2,618	218	2,836	2,000		2,000	2,000		2,000
Travel-Out State	4,151		4,151	6,798		6,798	9,215		9,215	8,338		8,338	7,419		7,419
Utility Services	6,001	106	6,107	8,697		8,697	9,851		9,851	10,000		10,000	10,000		10,000
Rent				500		500	177		177				180		180
Repairs	280		280	759		759	611		611				500		500
Insurance	60		60	60		60	151		151	64		64	64		64
Gen'l Operating Exp.	12,343	876	13,219	15,445	352	15,797	14,276	1,547	15,823	12,700		12,700	12,500		12,500
Office Supplies	975		975	1,694		1,694	1,446	192	1,638	2,000		2,000	1,200		1,200
Supplies	610		610	736		736	1,370		1,370						
<b>TOTAL ALL OTHER</b>	<b>\$ 61,390</b>	<b>\$ 28,560</b>	<b>\$ 89,950</b>	<b>\$147,057</b>	<b>\$ 50,774</b>	<b>\$197,831</b>	<b>\$ 90,458</b>	<b>\$ 40,306</b>	<b>\$130,764</b>	<b>\$ 58,013</b>	<b>\$ 74,000</b>	<b>\$132,013</b>	<b>\$ 69,924</b>	<b>\$</b>	<b>\$ 69,924</b>
CAPITAL															
Equipment				\$ 8,799		\$ 8,799	\$ 659		\$ 659						
STA CAP		\$ 22	\$ 22	\$ 13	\$ 3	\$ 16		\$ 307	\$ 307						
<b>TOTAL EXPENDITURES</b>	<b>\$307,430</b>	<b>\$ 28,582</b>	<b>\$336,012</b>	<b>\$389,549</b>	<b>\$ 50,777</b>	<b>\$440,326</b>	<b>\$367,010</b>	<b>\$ 40,613</b>	<b>\$407,623</b>	<b>\$245,555</b>	<b>\$189,000</b>	<b>\$434,555</b>	<b>\$191,385</b>	<b>\$</b>	<b>\$191,385</b>

\*Funds not sufficient to meet current position count.

<sup>1</sup> Special Revenue funds include payments for Workers' Compensation & Radioactive Waste Hearings.

<sup>2</sup> Special Revenue allocation for assessment on public utilities.

## **APPENDIX D**

Summary of Advocates Employed  
in State Government

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APPENDIX D

Summary of Advocates Employed in State Government  
Positions and Funding

<u>Department</u>	<u>Approp./Alloc.</u> <u>FY 1990</u>	<u>Approp./Alloc.</u> <u>FY 1991</u>
<u>Mental Health and</u> <u>Mental Retardation</u>		
Positions	(14)	(14)
Personal Services	\$ 460,722	\$ 483,906
All Other	<u>23,669</u>	<u>24,205</u>
	<u>\$ 484,391</u>	<u>\$ 508,111</u>
<u>Public Advocate</u>		
Positions	(7)*	(3)
Personal Services	\$ 302,542	\$ 121,461
All Other	<u>132,013</u>	<u>69,924</u>
	<u>\$ 434,555</u>	<u>\$ 191,385</u>
<u>Child Welfare Ombudsman</u>		
Positions	(2)**	(2)
Personal Services	\$ 65,685	\$ 68,788
All Other	6,996	6,996
Capital	<u>1,000</u>	<u>--</u>
	<u>\$ 73,681</u>	<u>\$ 75,784</u>
<u>Corrections</u>		
Positions	(3)	(3)
Personal Services	\$ 100,054	\$ 109,541
All Other	<u>9,000</u>	<u>9,000</u>
	<u>\$ 109,054</u>	<u>\$ 118,541</u>
<u>Maine Committee on Aging</u>		
Positions	(3)	(3)
Personal Services	\$ 95,943	\$ 100,740
All Other	<u>24,183</u>	<u>24,183</u>
	<u>\$ 120,126</u>	<u>\$ 124,923</u>
<b>TOTAL FUNDING</b>		
Positions	(29)	(25)
Personal Services	\$ 1,024,946	\$ 884,436
All Other	195,861	134,308
Capital	<u>1,000</u>	<u>--</u>
	<u>\$ 1,221,807</u>	<u>\$ 1,018,744</u>

\*Includes 2 secretaries

\*\*Includes 1 secretary

## APPENDIX E

Copies of Legislation Relevant to Funding  
the Office of Public Advocate

APPROVED

CHAPTER

APR 28 '89

68

BY GOVERNOR

PUBLIC LAW

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-NINE

H.P. 69 - L.D. 93

**An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1990 and June 30, 1991**

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**PART A**

**Sec. 1. Appropriations and allocations.** In order to provide for necessary expenditures of State Government and other purposes for the fiscal years ending June 30, 1990 and June 30, 1991, the following sums as designated in the following tabulations are appropriated or allocated out of any money not otherwise appropriated or allocated.

**Sec. 2. Allotments required.** Upon receipt of allotments duly approved by the Governor based upon work programs submitted to the State Budget Officer, the State Controller shall authorize expenditures of these funds, together with expenditures for other

1989-90                      1990-91

UNIFIED BUDGET ACT - GENERAL FUND  
CURRENT SERVICES  
EXECUTIVE DEPARTMENT

Other Special Revenue		
Positions - Other Count	( 1.0)	( 1.0)
Personal Services	43,178	45,454
All Other	13,062	10,786
	-----	-----
Fund Total	56,240	56,240

SUMMARY - PLANNING OFFICE

Positions - Legislative Count	( 23.0)	( 23.0)
Positions - Other Count	( 14.0)	( 14.0)
Personal Services	1,400,095	1,439,447
All Other	565,670	584,825
Capital Expenditures	18,179	19,948
	-----	-----
Program Total	1,983,944	2,044,220

(OFFICE OF) PUBLIC ADVOCATE  
Public Advocate

\*\*General Fund

Positions - Legislative Count	( 8.0)	( 8.0)
Personal Services	328,040	339,679
All Other	131,102	131,059
	-----	-----
Fund Total	459,142	470,738

MAINE SCIENCE AND TECHNOLOGY  
COMMISSION  
Maine Science and Technology  
Commission

\*\*General Fund

Positions - Legislative Count	( 4.0)	( 4.0)
Personal Services	202,774	209,636
All Other	1,371,100	1,371,100
	-----	-----
Fund Total	1,573,874	1,580,736

EXECUTIVE DEPARTMENT

\*\*General Fund

Positions - Legislative Count	( 82.5)	( 82.5)
Positions - Other Count	( 12.0)	( 12.0)
Personal Services	3,746,604	3,885,016
All Other	5,812,678	5,833,419
Capital Expenditures	16,706	17,089
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Fund Total	9,575,988	9,735,524

APPROVED

JUN 30 '89

BY GOVERNOR

CHAPTER

501

PUBLIC LAW

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-NINE

H.P. 475 - L.D. 640

An Act to Make Supplemental Appropriations and Allocations  
for the Expenditures of State Government and to Change  
Certain Provisions of the Law Necessary to the Proper  
Operations of State Government for the Fiscal Years Ending  
June 30, 1990, and June 30, 1991

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses will become due and payable on or immediately after July 1, 1989; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

PART A

Sec. 1. Supplemental appropriations from the General Fund. There is appropriated from the General Fund to the departments listed the following sums:

1989-90

1990-91

ADMINISTRATION, DEPARTMENT OF

TOTAL	\$46,000	\$60,500
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Provides for a full-time senior planner, seasonal contracts for inventory work and expenses for staff and the steering committee for a study to design a system of ecological reserves.

**Public Advocate**

Positions	(-4)	(-4)
Personal Services	(\$114,068)	(\$191,468)
All Other	(73,089)	(61,135)
TOTAL	<u>(\$187,157)</u>	<u>(\$252,603)</u>

Provides for a deappropriation of funds in fiscal year 1989-90 and fiscal year 1990-91.

**Head Start**

All Other	\$125,000	\$125,000
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Provides funds to finance expansion or improvement of existing programs in accordance with local needs. Allowable uses include, but are not limited to: increasing levels of service, improving transportation services, acquiring needed classroom equipment, increasing staff salaries and improving facilities. One third of the funding for program expansion and improvement will be allocated in equal amounts to existing programs. Two thirds will be allocated proportionately, based on each program's percentage of the combined total of state and federally



Provides funds for a Division Director to manage a new Division of Uncontrolled Sites Management and Restoration.

**Water Quality Control**

All Other \$10,000

Provides funds for the Bureau of Water Quality Control to allow for independent expert review of an ongoing study of color, odor and foam wastewater discharges. These funds shall not be transferred for any other purpose.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**TOTAL**

\$242,803	\$174,457
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**EXECUTIVE DEPARTMENT**

**Head Start**

All Other \$178,647 \$243,807

Provides funds for an increase of the state funding level for Head Start in order to match anticipated federal fund increases.

**Public Advocate**

Positions	(-1)	(-1)
Personal Services	(\$26,430)	(\$26,750)

Provides for the deappropriation of funding not required by the Public Advocate as they no longer share 2 positions with the Office of Energy Resources.

APPROVED

CHAPTER

JUL 11 '89

571

BY GOVERNOR

PUBLIC LAW

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-NINE

S.P. 284 - L.D. 730

An Act Making Appropriations from the General Fund  
for the Expenditures of State Government for the Fiscal  
Years Ending June 30, 1990, and June 30, 1991, and  
Changing Certain Provisions of Law Necessary for the Proper  
Operation of State Government

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, certain obligations and expenses incident to the operation of certain departments will become due and payable on or immediately after July 1, 1989; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

PART A

Sec. 1. 5 MRSA §3304, sub-§3, ¶A, as amended by PL 1989, c. 501, Pt. DD, §7, is further amended to read:

A. Appoint and remove the staff of the office and prescribe their duties as may be necessary to implement the purposes of this chapter. Professional employees authorized by this chapter shall be hired as unclassified employees, ~~shall serve at the pleasure of the director and shall be paid salaries at rates of pay comparable to those of state employees with equivalent responsibilities in other state agencies.~~ All other employees shall be subject to those civil service and personnel policies established for state

employees generally and shall be paid salaries at rates of pay comparable to those of state employees with equivalent responsibilities in other state agencies.

(1) The State Planning Director is authorized to employ professional planning personnel competent by education, training and experience in fields such as economics, local and regional planning, public policy and natural resources.

(2) The director is authorized to employ such statistical, clerical and other office help as required and authorized by the budget;

Sec. 2. 15 MRSA §3205 is enacted to read:

§3205. Juvenile in adult-serving jails

No juvenile may be committed or detained in an adult-serving jail after December 31, 1991, except when bound over as an adult.

Sec. 3. 35-A MRSA §116, sub-§8 is enacted to read:

8. Public Advocate assessment. Every utility subject to assessment pursuant to this section shall be subject to an additional assessment on its intrastate gross operating revenues to produce no more than \$189,000 in revenues in fiscal year 1989-90. The Public Advocate shall develop a method for accounting for staff time within the Office of Public Advocate. All professional and support staff shall account for such time in such a way as to identify the percentage of time that is devoted to public utility regulation and the percentage of time that is devoted to other duties that may be required by law. The revenues produced from this assessment shall be transferred to the account of the Office of Public Advocate and shall be used by the Public Advocate solely for the purpose of representing the using and consuming public in accordance with chapter 17. These funds shall be raised by the Public Utilities Commission and accounted for by the Public Advocate in accordance with the provision of this section in a separate Public Advocate Regulatory Fund. The assessments charged to utilities under this subsection shall be deemed just and reasonable operating costs for rate-making purposes.

This assessment shall sunset on June 30, 1990. Any additional resources that may be required shall be from the General Fund.

Sec. 4. 36 MRSA §1760, sub-§9-D, as amended by PL 1989, c. 501, Pt. U, is further amended to read:

9-D. Fuel and electricity used at a manufacturing facility. Ninety-five percent of the sale price of all fuel and

**DEPARTMENT OF CORRECTIONS  
TOTAL**

(\$1,867)

\$1,867

**Sec. 13. Allocation of the Public Advocate Regulatory Fund.** Income to the Public Advocate Regulatory Fund for the fiscal year from July 1, 1989, to June 30, 1990, shall be segregated, apportioned and disbursed as designated in the following schedule:

**1989-90**

**Office of Public Advocate**

Positions	(4)
Personal Services	\$115,000
All Other	74,000

Allocates funds from the  
Public Advocate Regulatory  
Fund.

**OFFICE OF PUBLIC ADVOCATE  
TOTAL**

\$189,000

**Sec. 14. Adjustments to allocation of the Public Advocate Regulatory Fund.** Allocations may be increased or adjusted by the State Budget Officer with the approval of the Governor to specifically cover those adjustments determined necessary under any salary plan approved by the Legislature and those reclassifications or range changes that have been approved by the Department of Administration and submitted for legislative review prior to the effective date of this Act.

**Sec. 15. Use of Public Advocate Revenue Fund.** The Public Advocate may use the revenues provided in accordance with this Act to fund 4 employees and to defray the costs incurred by the Public Advocate pursuant to the Maine Revised Statutes, Title 35-A, chapter 17.

**PART B**

**Sec. 1. 5 MRSA c. 353, first 2 lines, as enacted by PL 1987, c. 506, §1, are repealed and the following enacted in their place:**

**PART 15-A**

**LAND FOR MAINE'S FUTURE FUND**

**CHAPTER 353**

## APPENDIX F

Allocation of Staff Time in the  
Office of Public Advocate

APPENDIX F

November 1989: Allocation of Staff Time (Actual 11/6-12/1)

	SGW	WCB	WCP	JCD	MIM	PJM	BJS	TOTAL	10/ 89 %	YTD Cummu- lative Total	Cummu- lative %
	154.0	136.0	150.5	154.0	154.5	69.0	139.5	957.5	83.0	4371.0	75.0
Workers' Comp	.5	19.5			2.0	11.0		33.0	3.0	72.5	1.2
waste	20.0					9.0		29.0	3.0	254.5	4.4
Consumer Contacts	.5	1.0	.5	11.0				13.0	1.0	102.0	1.7
Administrative	12.0	4.5	1.0	1.0	3.5	65.0		87.0	8.0	506.0	8.7
Public Speaking	2.0							2.0	*		*
Funding Source	GF	GF	Assess	Assess	Assess	GF	Assess	NA			
Work Time			8.0			6.0	12.5	26.5	2.0	125.5	2.2
Waiting Time							8.0	8.0	*	397	6.8
TOTAL	189	161	160	166	160	160	160	1156	100	5835	100%

less than one percent

## APPENDIX G

Proposed General Fund Budget for Public Advocate  
FY 1991

APPENDIX G

PROPOSED PUBLIC ADVOCATE BUDGET  
 General Fund  
 FY 1991

<u>PERSONAL SERVICES</u>	<u>FY 1991</u>
Positions	(7)
Permanent Salaries	\$252,799
Project - Regular	
Health Insurance	21,385
Dental Insurance	1,134
Employee Health Svs.	378
Retirement	55,414
Group Life	724
Medicare	<u>1,146</u>
<b>TOTAL PERSONAL SERVICES</b>	<b><u>\$333,280</u></b>
 <u>ALL OTHER</u>	
Prof.Svs.-Not State	\$102,000
Prof.Svs.-State	
Travel-In State	3,000
Travel-Out State	10,419
Utlity Services	10,000
Rent	180
Repairs	500
Insurance	64
Gen'l Operating Exp.	16,500
Office Supplies	1,800
Supplies	<u>1,400</u>
<b>TOTAL ALL OTHER</b>	<b><u>\$145,863</u></b>
 <b>TOTAL BUDGET - FY 1991</b>	<b><u>\$479,143</u></b>