## MAINE STATE LEGISLATURE

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| 1<br>2                           | (EMERGENCY)<br>(After Deadline)  |  |  |
|----------------------------------|--|--|--|
| 3<br>4                           | FIRST REGULAR SESSION  |  |  |
| 5<br>6                           | ONE HUNDRED AND ELEVENTH LEGISLATURE   |  |  |
| 7<br><b>8</b>                    | Legislative Document No. 1520  |  |  |
| 9<br>10                          | H.P. 1151 House of Representatives, April 26, 1983  Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.  |  |  |
| 11                               | Referred to the Committee on Public Utilities. Sent up for concurrence and ordered printed.  |  |  |
| 13                               | Presented by Representative Vose of Eastport.  |  |  |
| 14<br><b>1</b> 5                 | STATE OF MAINE   |  |  |
| 16<br>17<br>18                   | IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-THREE  |  |  |
| 19<br>20<br>21<br>22<br>23<br>24 | AN ACT to Increase the Annual Public Utilities Commission Regulatory Fund Assessments to \$1,450,000 for Fiscal Year 1984 and \$1,500,000 for Fiscal Year 1985.                              |  |  |
| 25<br>26<br>27                   | Emergency preamble. Whereas, Acts of the Legis-<br>lature do not become effective until 90 days after<br>adjournment unless enacted as emergencies; and                                      |  |  |
| 28<br>29<br>30<br>31             | Whereas, the Public Utilities Commission requires additional funds to allow it to discharge its public responsibilities during the fiscal years ending June 30, 1984, and June 30, 1985; and |  |  |
| 32<br>33                         | Whereas, the assessment for the first of those fiscal years must take place before May 1, 1983; and  |  |  |

Whereas, the current assessment allowance will not provide the Public Utilities Commission with sufficient funds; and

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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:
- 12 Sec. 1. 35 MRSA §17, sub-§1, as amended by PL 13 1981, c. 599, §1, is further amended to read:
  - Utilities subject to assessments. Every elecgas, telegraph, telephone and water utility subject to regulation by the commission and every water carrier subject to the jurisdiction of the commission pursuant to Private and Special Act of the Legislature shall be subject to an assessment of not more than .25% on its intrastate gross operating to produce no more than \$1,000,000 revenues \$1,150,000 in revenues for the 1983-84 fiscal year \$1,200,000 in revenue annually beginning in the 1984-85 fiscal year. Notwithstanding any provision of law, the amount of annual revenue to be raised by this section shall be increased by an additional \$300,000 to supplant an equal amount eral Fund revenues used previously to fund commission activities which shall instead be appropriated for the use of the Public Advocate. The commission shall determine the assessments annually prior to May shall assess each utility for its pro rata 1st and share. Each utility shall pay the assessment charged to the utility on or before July 1st of each year.
    - A. The assessments charged to utilities under this section shall be deemed just and reasonable operating costs for rate-making purposes.
    - B. For the purposes of this section, intrastate gross operating revenues means intrastate revenues derived from filed rates, except revenues derived from sales for resale.

- Sec. 2. 35 MRSA §17, sub-§4, as amended by PL 1981, c. 479, §4, is further amended to read:
- Use of funds. The Public Utilities Commission 3 4 is authorized to fund 22 25 employees during the 5 1983-84 fiscal year and 28 employees beginning in the 6 1984-85 fiscal year from the revenues provided in 7 this section to defray the costs incurred by the com-8 mission pursuant to this Title and to include admin-9 istrative expenses, general regulatory expenses, consulting fees and all other reasonable costs incurred 10 11 to administer this Title. Notwithstanding any other 12 provision of law, the number of employees funded by this section shall be increased by 10 on the effective date of this Act establishing the Public Advo-13 14 15 cate to compensate for an equivalent reduction in the number of employees funded by the General Fund reve-16 17 nues which elsewhere in this section are appropriated 18 for the use of the Public Advocate.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

## 22 STATEMENT OF FACT

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This bill raises the annual Public Utilities Commission Regulatory Fund assessment to \$1,450,000 in 1983 which, together with the General Fund appropriation, will provide the Public Utilities Commission sufficient funds to carry out its duties during fiscal year 1983-84. Furthermore, this bill the annual Public Utilities Commission Regulatory Fund assessment to \$1,500,000 in 1984 which, together with the General Fund appropriation, will provide the Public Utilities Commission sufficient funds to carry out its duties during fiscal year 1984-85. The bill denominated emergency legislation because the statutory assessment formula must be changed prior to May 1, 1983, the assessment date under section 17, in order to assure sufficient commission funding for the 1983-84 fiscal year.

Additional funding shown for personal services accommodates expense for 3 new positions in fiscal year 1983-84, and an additional 3 new positions in

| 1<br>2             | fiscal year 1984-85, and an expense computed at 7% each   |                                     | 'increase                          |
|--------------------|---|-------------------------------------|------------------------------------|
| 3<br>4<br>5<br>6   | The \$150,000 increase assessment for fiscal year increase in the regulatory for year 1984-85 shall be used a | 1983-84 and the<br>und assessment f | \$200,000                          |
| 7                  |   | 1983-84                             | 1984-85                            |
| 8<br>9<br>10<br>11 | Positions<br>Personal Services<br>All Other<br>Capital Expenditures   | (3)<br>\$113,637<br>29,763<br>6,600 | (6)<br>\$187,362<br>8,338<br>4,300 |
| 12                 | Total   | \$150,000                           | \$200,000                          |