MAINE STATE LEGISLATURE

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1	(EMERGENCY)			
2 3	(New Draft of H.P. 1151, L.D. 1520) (New Title)			
4 5	FIRST REGULAR SESSION			
6 7	ONE HUNDRED AND ELEVENTH LEGISLATURE			
8 9	Legislative Document No. 1632			
10 11 12	H.P. 1228 House of Representatives, May 17, 1983 Reported by the Majority from the Committee on Public Utilities and printed under Joint Rule 2. Original bill presented by Representative Vose of Eastport.			
13	EDWIN H. PERT, Clerk			
15 16	STATE OF MAINE			
17 18 19	IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-THREE			
20 21 22 23 24	AN ACT to Increase the Annual Public Utilities Commission Regulatory Fund Assessment to \$1,460,000, beginning in Fiscal Year 1984.			
25 26 27	Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and			
28 29 30 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 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:
- 14 Utilities subject to assessments. Every electric, gas, telegraph, telephone and water utility subject to regulation by the commission and every 15 16 17 water carrier subject to the jurisdiction of the commission pursuant to private and special Act of the 18 19 Legislature shall be subject to an assessment of not more than .25% on its intrastate gross operating revenues to produce no more than \$1,000,000 20 21 22 \$1,160,000 in revenues beginning in the 1983-84 23 fiscal year. Notwithstanding any other provision of law, the amount of annual revenue to be raised by 24 25 this section shall be increased by an additional \$300,000 to supplant an equal amount of General Fund 26 revenues used previously to fund commission activi-27 ties which shall instead be appropriated for the use 28 29 of the Public Advocate. The commission shall determine the assessments annually prior to May 30 and shall assess each utility for its pro rata share. 31 32 Each utility shall pay the assessment charged to the utility on or before July 1st of each year. 33
 - 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.

- 1 Sec. 2. 35 MRSA §17, sub-§4, as amended by PL 1981, c. 479, §4, is further amended to read:
 - 4. Use of funds. The Public Utilities Commission is authorized to fund 22 25 employees beginning in the 1983-84 fiscal year from the revenues provided in this section to defray the costs incurred by the commission pursuant to this Title and to include administrative expenses, general regulatory expenses, consulting fees and all other reasonable costs incurred to administer this Title. Notwithstanding any other 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 Advocate to compensate for an equivalent reduction in the number of employees funded by the General Fund revenues which elsewhere in this section are appropriated 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.

21 STATEMENT OF FACT

This new draft raises the annual Public Utilities Commission Regulatory Fund assessment to \$1,460,000 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. The bill is denominated emergency legislation because the statutory assessment formula must be changed prior to May 1, 1983, the assessment date under Title 35, 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 anticipated salary increase expense computed at 7% each year. The new positions are to be filled by 2 utility engineers and one clerk. The original bill called for 6 new positions, but the new draft cuts this back to 3 and adjusts the assessment accordingly.

1 2	The \$160,000 increase in Commission Regulatory Fund shall		
3		1983-84	1984-85
4 5 6 7	Positions Personal Services All Other Capital Expenditures	(3) \$125,151 28,249 6,600	(3) \$136,640 19,060 4,300
8	Total	\$160,000	\$160,000
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