

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 (New Draft of H.P. 1503, L.D. 1979)
3 (New Title)

4 SECOND REGULAR SESSION
5

6 ONE HUNDRED AND ELEVENTH LEGISLATURE
7

8 Legislative Document

No. 2391

10 H.P. 1809

House of Representatives, March 30, 1984

11 Reported by Representative Carter from the Committee on
12 Appropriations and Financial Affairs and printed under Joint Rule 2.
Original bill presented by Representative Matthews of Winslow.

13 EDWIN H. PERT, Clerk

14
15 STATE OF MAINE
16

17 IN THE YEAR OF OUR LORD
18 NINETEEN HUNDRED AND EIGHTY-FOUR
19

20 AN ACT to Raise the Annual Public
21 Utilities Commission Regulatory Fund
22 Assessments to \$1,635,000 and to Allocate
23 those Funds for Fiscal Year 1985.
24

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

27 **Emergency preamble.** Whereas, Acts of the Legis-
28 lature do not become effective until 90 days after
29 adjournment unless enacted as emergencies; and

30 Whereas, certain obligations and expenses inci-
31 dent to the operation of the Public Utilities Commis-
32 sion will become due and payable on or immediately
33 after July 1, 1984; and

1 Whereas, the Public Utilities Commission requires
2 additional funds to allow it to discharge its public
3 responsibilities during the fiscal year ending June
4 30, 1985; and

5 Whereas, the assessment for the first of those
6 fiscal years, fiscal year 1985, must take place be-
7 fore May 1, 1984; and

8 Whereas, the current assessment allowance will
9 not provide the Public Utilities Commission with suf-
10 ficient funds; and

11 Whereas, in the judgment of the Legislature,
12 these facts create an emergency within the meaning of
13 the Constitution of Maine and require the following
14 legislation as immediately necessary for the preser-
15 vation of the public peace, health and safety; now,
16 therefore,

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

19 Sec. 1. 35 MRSA §17, sub-§1, as amended by PL
20 1983, c. 390, §1, is further amended to read:

21 1. Utilities subject to assessments. Every elec-
22 tric, gas, telegraph, telephone and water utility
23 subject to regulation by the commission and every wa-
24 ter carrier subject to the jurisdiction of the com-
25 mission pursuant to Private and Special Act of the
26 Legislature shall be subject to an assessment of not
27 more than .25% on its intrastate gross operating rev-
28 enues to produce no more than ~~\$1,160,000~~ \$1,335,000
29 in revenues annually beginning in the 1983-84 1984-85
30 fiscal year. Notwithstanding any other provision of
31 law, the amount of annual revenue to be raised by
32 this section shall be increased by an additional
33 \$300,000 to supplant an equal amount of General Fund
34 revenues used previously to fund commission activi-
35 ties which shall instead be appropriated for the use
36 of the Public Advocate. The commission shall deter-
37 mine the assessments annually prior to May 1st and
38 shall assess each utility for its pro rata share.
39 Each utility shall pay the assessment charged to the
40 utility on or before July 1st of each year.

1 A. The assessments charged to utilities under
2 this section shall be deemed just and reasonable
3 operating costs for rate-making purposes.

4 B. For the purposes of this section, intrastate
5 gross operating revenues means intrastate reve-
6 nues derived from filed rates, except revenues
7 derived from sales for resale.

8 Sec. 2. 35 MRSA §17, sub-§4, as amended by PL
9 1983, c. 390, §2, is further amended to read:

10 4. Use of funds. The Public Utilities Commission
11 is authorized to fund ~~25~~ 31 employees beginning in
12 the ~~1983-84~~ 1984-85 fiscal year from the revenues
13 provided in this section to defray the costs incurred
14 by the commission pursuant to this Title and to in-
15 clude administrative expenses, general regulatory ex-
16 penses, consulting fees and all other reasonable
17 costs incurred to administer this Title. Notwith-
18 standing any other provision of law, the number of
19 employees funded by this section shall be increased
20 by 10 on the effective date of this Act establishing
21 the Public Advocate to compensate for an equivalent
22 reduction in the number of employees funded by the
23 General Fund revenues which elsewhere in this section
24 are appropriated for the use of the Public Advocate.

25 Sec. 3. Allocations from the Public Utilities
26 Commission Regulatory Fund. Income not otherwise al-
27 located from the Public Utilities Commission Regula-
28 tory Fund, \$175,000, is allocated for the fiscal year
29 July 1, 1984, to June 30, 1985, and shall be segre-
30 gated, apportioned and disbursed as designated in the
31 following schedule:

32 1984-85

33 ECONOMIC DEVELOPMENT
34 PUBLIC UTILITIES COMMISSION

35 Public Utilities Commission
36 Regulatory Fund

37 Positions (6)

38 Personal Services \$100,855

1 All Other 46,025
2 Capital Expenditures 28,120
3 Total \$175,000

4 This makes additional allocations
5 from the Public Utilities Commis-
6 sion Regulatory Fund. Legislative
7 allocation is required by the Re-
8 vised Statutes, Title 35, section
9 17, subsection 2.

10 Emergency clause. In view of the emergency cited
11 in the preamble, this Act shall take effect on July
12 1, 1984.

13 STATEMENT OF FACT

14 This new draft raises the annual Public Utilities
15 Commission's Regulatory Fund assessment by \$175,000
16 and allocates that amount.

17 Specifically, the personal services, All Other
18 and Capital Expenditures encompassed within the table
19 presented in this bill consist of the following pro-
20 posed uses for these additional funds:

21 1. To allocate funds for the establishment of 3
22 Clerk Typist II positions in the Public Utilities
23 Commission Regulatory Fund, beginning in fiscal year
24 1984-85. Cost of each position is \$13,268.50. The
25 cost of all 3 positions is \$39,805.50;

26 2. To allocate funds for the establishment of a
27 Clerk Steno III position in the Public Utilities Com-
28 mission Regulatory Fund, beginning in fiscal year
29 1984-85, position to be located in the secretary's
30 office. The cost of the position is \$14,887.50;

31 3. To allocate funds for the establishment of a
32 Computer Research Specialist position in the Public
33 Utilities Commission Regulatory Fund, beginning in
34 fiscal year, 1984-85, position to be located in the
35 Finance Division. The cost of the position is
36 \$23,081;

1 4. To allocate funds for the establishment of a
2 Utility Technical Analyst position in the Public
3 Utilities Commission Regulatory Fund, beginning in
4 fiscal year 1984-85, position to be located in the
5 Technical Analysis Division. The cost of the position
6 is \$23,081;

7 5. To allocate funds for a variety of All Other
8 budget category increases, including \$22,000 in gen-
9 eral operating expenses, increases in postage, print-
10 ing and legal advertising, \$11,000 in professional
11 services and \$13,025 as the appropriate increase
12 STA-CAP, for a total All Other category increase of
13 \$46,025; and

14 6. To allocate funds for an increase in the com-
15 mission's capital expenditures budget category in or-
16 der to facilitate the acquisition of a
17 word-processing system, with a total cost of approxi-
18 mately \$40,000, replacing a current annual rental
19 cost for an incomplete system in excess of \$42,000.
20 The amount proposed to be additionally allocated for
21 this purpose, together with \$13,000 in General Fund
22 reallocations, is \$28,120.

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