

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1941

6
7 H.P. 1378

House of Representatives, January 23, 1986

8 Submitted by the Public Utilities Commission pursuant to Joint Rule 24.

Reference to the Committee on Utilities suggested and ordered printed.

9 EDWIN H. PERT, Clerk

10 Presented by Representative Vose of Eastport.

Cosponsored by Senator Baldacci of Penobscot, Representative McHenry of Madawaska and Representative Weymouth of W. Gardiner.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-SIX
16

17 AN ACT to Improve the Effectiveness of the
18 Consumer Assistance Division of the
19 Public Utilities Commission and to
20 make Other Changes in the Statutes.
21

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

24 Sec. 1. 2 MRSA §6-A, sub-§3, as amended by PL
25 1983, c. 729, §1, is further amended to read:

26 3. Other employees. The salaries of the follow-
27 ing employees shall be within salary range 88:

28 A. General counsel;

29 B. Director of finance;

30 C. Administrative Director; and

31 D. Director of technical analysis; and

1 E. Director of consumer assistance.

2 Sec. 2. 2 MRSA §6-A, sub-§3-A is enacted to
3 read:

4 3-A. Other employees; range 80. The salaries of
5 the following employees shall be within salary range
6 80:

7 A. Assistant administrative director; and

8 B. Assistant to the director of consumer assist-
9 ance.

10 Sec. 3. 5 MRSA §931, sub-§1, ¶J, as enacted by
11 PL 1985, c. 481, Pt. A, §9, is amended to read:

12 J. Staff attorney, financial analyst and, chief
13 utility accountant, assistant administrative di-
14 rector and assistant to the director of consumer
15 assistance positions at the Public Utilities
16 Commission.

17 Sec. 4. 5 MRSA §949, sub-§1, as enacted by PL
18 1983, c. 729, §4, is amended to read:

19 1. Major policy-influencing positions. The fol-
20 lowing positions are major policy-influencing posi-
21 tions within the Public Utilities Commission. Not-
22 withstanding any other provision of law, these posi-
23 tions and their successor positions shall be subject
24 to this chapter:

25 A. General Counsel - Public Utilities Commission

26 B. Director of Finance;

27 C. Administrative Director; and

28 D. Director of Technical Analysis; and

29 E. Director of Consumer Assistance.

30 Sec. 5. 35 MRSA §1, as amended by PL 1985, c.
31 481, Pt. A, §65, is further amended to read:

32 §1. Members; terms; vacancies; seal; clerks; office
33 and equipment; salary; expenses

1 The Public Utilities Commission, as heretofore
2 established, shall consist of 3 members appointed by
3 the Governor, subject to review by the legislative
4 committee having jurisdiction over public utilities
5 and to confirmation by the Legislature from time to
6 time upon the expiration of the terms of the several
7 members, for terms of 6 years and all 3 members of
8 the commission shall devote full time to their du-
9 ties. Each term shall end on March 31st of the 6th
10 year of the term. A commissioner may continue to
11 serve beyond the end of his term until a duly quali-
12 fied successor is appointed. Any vacancy occurring
13 in said commission shall be filled by appointment for
14 the unexpired portion of the term in which such va-
15 cancy occurs. One member of the commission shall be
16 designated by the Governor as chairman. The basic
17 policies of the Public Utilities Commission are to be
18 set by the commission. Each commissioner is entitled
19 to full access to the Public Utilities Commission
20 staff and to any information available at the commis-
21 sion. The chairman shall be the principal executive
22 officer of the commission in carrying out its poli-
23 cies and shall preside at meetings of the commission.
24 The chairman shall be responsible for the expedient
25 organization of the work of the commission. When ab-
26 sent one working day or more, the chairman shall name
27 another commissioner to act as chairman. For any par-
28 ticular hearing or series of hearings before the com-
29 mission, the chairman may assign a commissioner, in-
30 cluding the chairman, to attend. The commission
31 shall adopt and have a seal and be provided with of-
32 fice space. The commission shall appoint an adminis-
33 trative director, a director of finance and, a direc-
34 tor of technical analysis and a director of consumer
35 assistance. It shall appoint, with the approval of
36 the Attorney General, a general counsel. It shall ap-
37 point, ~~subject to the Personnel Law,~~ an assistant ~~to~~
38 ~~the~~ administrative director. The administrative di-
39 rector shall keep a ~~full and minute~~ record of the
40 proceedings of the commission which shall be open to
41 public inspection at all times. The assistant
42 administrative director shall assist the director in
43 the performance of his duties, and in the absence of
44 the director shall have the same powers as the direc-
45 tor. The administrative director shall have authority
46 to certify to all official acts of the commission,
47 administer oaths, issue subpoenas and issue all pro-

1 cesses, notices, orders or other documents necessary
2 to the performance of the duties of the commission.
3 The commission may delegate to its staff such powers
4 and duties as the commission finds proper. All dele-
5 gations existing as of the effective date of this
6 section shall remain valid.

7 The salaries of the other subordinate officials
8 and employees of that commission, other than those of
9 the general counsel, the Administrative Director, the
10 assistant administrative director, the director of
11 finance and, the director of technical analysis, the
12 director of consumer assistance, the assistant to the
13 director of consumer assistance and the staff attor-
14 ney, financial analyst and chief utility accountant
15 positions, shall be subject to the Personnel Law.
16 The general counsel, the Administrative Director, the
17 assistant administrative director, the Director of
18 Finance and, the Director of Technical Analysis, the
19 director of consumer assistance and the assistant to
20 the director of consumer assistance shall serve at
21 the pleasure of the commission and their salaries
22 shall be set by the commission within the range es-
23 tablished by Title 2, section 6-A. After successful
24 completion of a probationary period, the employees
25 occupying the staff attorney, financial analyst and
26 chief utility accountant positions may be dismissed,
27 suspended or otherwise disciplined only for cause.
28 The compensation of the staff attorney, seasonal le-
29 gal researcher, financial analyst and chief utility
30 accountant positions shall be fixed by the commis-
31 sion with the approval of the Governor, but the com-
32 pensations shall not in the aggregate exceed the to-
33 tal amount appropriated or allocated in the commis-
34 sion's budget. The commissioners and all employees
35 shall receive actual expenses when traveling on offi-
36 cial business.

37 Sec. 6. 35 MRSA §17, sub-§1, as amended by PL
38 1985, c. 125, §1, is further amended to read:

39 1. Utilities subject to assessments. Every elec-
40 tric, gas, telegraph, telephone and water utility
41 subject to regulation by the commission and every wa-
42 ter carrier subject to the jurisdiction of the com-
43 mission pursuant to Private and Special Act of the
44 Legislature shall be subject to an assessment of not

1 more than .25% on its intrastate gross operating rev-
2 enues to produce no more than \$1,894,000 in revenues
3 annually beginning in the 1985-86 fiscal year and no
4 more than \$1,939,000 \$2,084,000 in revenues annually
5 beginning in the 1986-87 fiscal year. The commission
6 shall determine the assessments annually prior to May
7 1st and shall assess each utility for its pro rata
8 share. Each utility shall pay the assessment charged
9 to the utility on or before July 1st of each year.
10 Any increase in the assessment that becomes effective
11 subsequent to May 1st may be billed on the effective
12 date of the Act authorizing the increase.

13 A. The assessments charged to utilities under
14 this section shall be deemed just and reasonable
15 operating costs for rate-making purposes.

16 B. For the purposes of this section, intrastate
17 gross operating revenues means intrastate reve-
18 nues derived from filed rates, except revenues
19 derived from sales for resale.

20 C. Gas utilities subject to the jurisdiction of
21 the commission solely with respect to safety
22 shall not be subject to any assessment until such
23 time as the commission has reviewed the scope and
24 cost of such jurisdiction and an assessment or
25 fee structure is authorized by the Legislature.

26 D. The commission may at its discretion correct
27 any errors in the assessments by means of a cred-
28 it or debit to the following year's assessment
29 rather than reassessing all utilities in the cur-
30 rent year.

31 Sec. 7. 35 MRSA §17, sub-§4, as amended by PL
32 1985, c. 125, §2, is further amended to read:

33 4. Use of funds. The Public Utilities Commission
34 is authorized to fund 39 43 employees and 2 seasonal
35 legal researchers from the revenues provided in this
36 section to defray the costs incurred by the commis-
37 sion pursuant to this Title and to include adminis-
38 trative expenses, general regulatory expenses, con-
39 sulting fees and all other reasonable costs incurred
40 to administer this Title. The seasonal legal re-
41 searcher positions shall not be subject to the Per-
42 sonnel Law.

1 sources. The Librarian II also seeks new sources of
2 information to assist the commission in the perform-
3 ance of its duties.

4 This bill also places the Assistant Administra-
5 tive Director in the unclassified service, clarifies
6 that law students hired by the Legal Division for the
7 summer are in the unclassified service, clarifies
8 that records of commission proceedings may be main-
9 tained on audio tapes and clarifies that any in-
10 creases in the Regulatory Fund Assessment effective
11 subsequent to May 1st may be billed on the effective
12 date of the Act authorizing the increase.

13 The positions established in this bill are funded
14 by increasing the Public Utility Commission Regulator-
15 y Fund by \$145,000.

16 5566010386