

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 988

H.P. 719

House of Representatives, March 30, 1989

Submitted by the Department of Public Utilities pursuant to Joint Rule 24.
Reference to the Committee on State and Local Government suggested and
ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative JOSEPH of Waterville.

Cosponsored by Senator BERUBE of Androscoggin, Senator CARPENTER of
York and Representative STROUT of Windham.

STATE OF MAINE

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

**An Act to Place in the Unclassified Service the Utility Technical
Analyst and Utility Accountant II Positions at the Public Utilities
Commission.**



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

3 **Sec. 1. 5 MRSA §931, sub-§1, ¶J,** as repealed and replaced by
5 PL 1987, c. 631, §2, is repealed and the following enacted in its
place:

7 J. Staff attorney, utility financial analyst, utility
9 accountant, utility technical analyst, assistant
11 administrative director, administrative assistant to the
13 administrative director and assistant to the director of
15 consumer assistance positions at the Public Utilities
17 Commission;

19 **Sec. 2. 35-A MRSA §107, sub-§2, ¶B,** as enacted by PL 1987, c.
21 141, Pt. A, §6, is amended to read:

23 B. The compensation of the staff attorney, seasonal legal
25 researcher, utility financial analyst, chief---utility
27 accountant--and utility accountant III and utility technical
29 analyst positions shall be fixed by the commission with the
31 approval of the Governor, but the compensation shall not in
33 the aggregate exceed the total amount appropriated or
35 allocated in the commission's budget.

37 **Sec. 3. 35-A MRSA §107, sub-§2, ¶C,** as amended by PL 1987, c.
39 631, §3, is further amended to read:

41 C. The salaries of the other subordinate officials and
43 employees of the commission, other than those of the general
45 counsel, the administrative director, the assistant
47 administrative director, the administrative assistant to the
administrative director, the director of finance, the
director of technical analysis, the director of consumer
assistance, the assistant to the director of consumer
assistance and the staff attorney, utility financial
analyst, chief-utility-accountant--and utility accountant III
and utility technical analyst positions, shall be subject to
the Civil Service Law, except as provided in paragraph D.

49 **Sec. 4. 35-A MRSA §107, sub-§8,** as enacted by PL 1987, c. 141,
Pt. A, §6, is amended to read:

51 **8. Dismissal.** After successful completion of a probationary
53 period, the employees occupying the positions of staff attorney,
55 utility financial analyst, chief-utility-accountant--and utility
57 accountant III and utility technical analyst may be dismissed,
suspended or otherwise disciplined only for cause.

59 **Sec. 5. 35-A MRSA §116, sub-§1,** as amended by PL 1987, c. 631,
§4, is further amended to read:

1
 3 1. Utilities subject to assessments. Every electric, gas,
 5 telegraph, telephone and water utility and ferry subject to
 7 regulation by the commission shall be subject to an assessment of
 9 not more than .25% on its intrastate gross operating revenues to
 11 produce no more than \$2,386,000 \$2,403,200 in revenues annually
 13 beginning in the 1988-89 1989-90 fiscal year and not more than
 15 \$2,441,200 in revenues annually beginning in the 1990-91 fiscal
 17 year. The commission shall determine the assessments annually
 19 prior to May 1st and shall assess each utility for its pro rata
 21 share. Each utility shall pay the assessment charged to the
 23 utility on or before July 1st of each year. Any increase in the
 25 assessment that becomes effective subsequent to May 1st may be
 27 billed on the effective date of the act authorizing the increase.

17 A. The assessments charged to utilities under this section
 19 are just and reasonable operating costs for rate-making
 21 purposes.

21 B. For the purposes of this section, "intrastate gross
 23 operating revenues" means intrastate revenues derived from
 25 filed rates, except revenues derived from sales for resale.

25 C. Gas utilities subject to the jurisdiction of the
 27 commission solely with respect to safety shall not be
 29 subject to any assessment.

29 D. The commission may correct any errors in the assessments
 31 by means of a credit or debit to the following year's
 33 assessment rather than reassessing all utilities in the
 35 current year.

33 E. The commission may exempt utilities with annual
 35 intrastate gross operating revenues under \$50,000 from
 37 assessments under this section.

37 **Sec. 6. Appropriation.** The following funds are appropriated
 39 from the General Fund to carry out the purposes of this Act.

	1989-90	1990-91
PUBLIC UTILITIES COMMISSION		
Personal Services	\$5,200	\$13,000
Provides funding for placing certain positions in the unclassified service.		
All Other	(\$5,200)	(\$13,000)

1 Deappropriates surplus funds
2 to support declassification
3 of certain positions.

5 **PUBLIC UTILITIES COMMISSION**
6 **TOTAL** \$0 \$0

7
8 **Sec. 7. Allocation.** The following funds are allocated from the
9 Public Utilities Commission Regulatory Fund to carry out the
10 purposes of this Act.

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22 **Sec. 8. Effective date.** This Act shall take effect on January
23 1, 1990.

24 **Sec. 9. Transition.** Incumbents in the utility technical
25 analyst positions as of July 1, 1988, may, at their option,
26 retain their status as classified employees. This option shall
27 be exercised prior to January 1, 1990, and shall remain in effect
28 unless withdrawn by the incumbent.

31 **STATEMENT OF FACT**

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33
34
35 This bill places in the unclassified service the utility
36 accountant II and utility technical analyst positions at the
37 Public Utilities Commission. Like the commission staff attorney,
38 utility financial analyst, chief utility accountant and utility
39 accountant III positions, which are now in the unclassified
40 service, the utility accountant II and utility technical analyst
41 positions are policy-influencing and unique to State Government.
42 Placing these positions in the unclassified service would give
43 the commission an effective tool to recruit and retain qualified
44 personnel, reduce consultant costs and assure the public interest
45 is fairly represented in proceedings before the commission.