

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 1938

H.P. 1402

House of Representatives, December 14, 1989

Submitted by the Office of Public Advocate pursuant to Joint Rule 24.
Received by the Clerk of the House on December 14, 1989. Referred to the
Committee on Utilities and 1600 ordered printed pursuant to Joint Rule 14.

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

EDWIN H. PERT, Clerk

Presented by Representative PARADIS of Old Town.

Cosponsored by Senator BOST of Penobscot, Representative CLARK of
Millinocket and Senator WEYMOUTH of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act Preserving the Public Advocate Utility Assessment.

(EMERGENCY)



2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

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6 **Whereas,** the Office of Public Advocate currently funds 4
positions, and 80% of its costs for expert witnesses in utility
proceedings, by means of an assessment on the intrastate gross
8 operating revenues of utilities under the jurisdiction of the
state Public Utilities Commission; and

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12 **Whereas,** the legislation establishing the Public Advocate
assessment requires that this source of funding expire on June
30, 1990, by operation of law; and

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16 **Whereas,** without adequate funding for 4 staff positions and
for the hiring of expert witnesses, the Office of Public Advocate
will be unable to represent adequately the interests of utility
18 customers in rate-making proceedings before the Public Utilities
Commission; and

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22 **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
24 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

30 **Sec. 1. 35-A MRSA §116, sub-§8,** as enacted by PL 1989, c. 571,
Pt. A, §3, is amended to read:

32 **8. Public Advocate assessment.** Every utility subject to
assessment pursuant to this section shall be subject to an
34 additional assessment on its intrastate gross operating revenues
to produce no more than ~~\$189,000~~ \$300,000 in revenues in fiscal
36 year 1989-90 1990-91. The Public Advocate shall develop a method
for accounting for staff time within the Office of Public
38 Advocate. All professional and support staff shall account for
such time in such a way as to identify the percentage of time
40 that is devoted to public utility regulation and the percentage
of time that is devoted to other duties that may be required by
42 law. The revenues produced from this assessment shall be
transferred to the account of the Office of Public Advocate and
44 shall be used by the Public Advocate solely for the purpose of
representing the using and consuming public in accordance with
46 chapter 17. These funds shall be raised by the Public Utilities
Commission and accounted for by the Public Advocate in accordance
48 with ~~the provision of~~ this section in a separate Public Advocate
Regulatory Fund. The assessments charged to utilities under this
50 subsection shall be deemed just and reasonable operating costs
for rate-making purposes.

~~This assessment shall sunset on June 30, 1990. Any additional resources that may be required shall be from the General Fund.~~

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4 **Sec. 2. PL 1989, c. 571, Pt. A, §13** is repealed.

6 **Sec. 3. Allocation of the Public Advocate Regulatory Fund.** Income
8 to the Public Advocate Regulatory Fund for the fiscal year July
1, 1990, to June 30, 1991, shall be segregated, apportioned and
disbursed as designated in the following schedule:

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1990-91

PUBLIC ADVOCATE, OFFICE OF

Positions	(4)
Personal Services	\$224,000
All Other	76,000

Allocates funds from the Public Advocate
Regulatory Fund.

**OFFICE OF PUBLIC ADVOCATE
TOTAL**

\$300,000

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

STATEMENT OF FACT

At the end of the First Regular Session, the 114th
Legislature transferred a portion of the budget and 4 positions
at the Office of Public Advocate from the prior General Fund
appropriation to a new dedicated account, funded pro rata by
utilities doing business in Maine. In the current fiscal year,
this Public Advocate Regulatory Fund has supported nearly 1/2 of
the office's activities on behalf of utility ratepayers at the
Public Utilities Commission, but will automatically expire on
June 30, 1990. The purpose of this emergency bill is to renew
the Public Advocate utility assessment and the Public Advocate
Regulatory Fund for the 2nd year of the biennium and to restore
positions in the personnel services and the expert witness budget
for the Public Advocate which were inadvertently reduced when the
Public Advocate Regulatory Fund was first established. The costs
of this assessment will be passed on to utility customers as part
of the rate-making process at the Public Utilities Commission.