

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2211

S.P. 862

In Senate, January 19, 1990

Reported by Senator PEARSON of Penobscot for the Committee on Appropriations and Financial Affairs pursuant to Joint Rule 19.

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed pursuant to Joint Rule 19.

Joy J. O'Brien

JOY J. O'BRIEN
Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Provide Additional Funds for the Public Advocate and Continue the Public Advocate Utility Assessment.

(EMERGENCY)



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

Whereas, the Joint Standing Committee on Appropriations and Financial Affairs has conducted an organizational and financial review of the Office of Public Advocate and wishes to implement certain recommendations effective July 1, 1990; and

Whereas, the law establishing the Public Advocate assessment currently supports 4 staff positions, expert witness fees and certain other expenses and sunsets on June 30, 1990; and

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:

Sec. 1. 24-A MRSA §2363, sub-§9, ¶B, as enacted by PL 1987, c. 559, Pt. A, §4, is amended to read:

B. A party filing for a rate change under this section shall pay to the superintendent at the time of filing a filing fee of \$50,000, which the superintendent shall immediately credit to the Public Advocate. The fee shall must be segregated and expended for the purpose of employing outside consultants and of paying other expenses, including staff salaries, to fulfill the requirements of this subsection. The Public Advocate shall transfer any fees received for staff salaries to the Treasurer of State as undedicated revenue to the General Fund. Any portion of the fee not so expended shall must be returned to the filer.

Sec. 2. 35-A MRSA §116, sub-§8, as enacted by PL 1989, c. 571, Pt. A, §3, is repealed and the following enacted in its place:

B. Public Advocate assessment. Every utility subject to assessment under this section is subject to an additional annual assessment on its intrastate gross operating revenues to produce \$383,000 in revenues for fiscal year 1990-91 and in fiscal year 1991-92 and thereafter to produce an amount equal to 80% of the funds appropriated by the Legislature for operating the Office of Public Advocate for the preceding year. The revenues produced from this assessment are transferred to the Treasurer of State as undedicated revenue to the General Fund. The assessments charged to utilities under this subsection are deemed just and reasonable

2 operating costs for rate-making purposes. The Public Advocate
4 shall develop a method of accounting for staff time within the
6 Office of Public Advocate. All professional and support staff
8 shall account for their time in such a way as to identify the
10 percentage of time devoted to public utility regulation and the
12 percentage of time devoted to other duties that may be required
14 by law.

16 **Sec. 3. Appropriation.** The following funds are appropriated
18 from the General Fund to carry out the purposes of this Act.

20 1990-91

22 **EXECUTIVE DEPARTMENT**

24 **Public Advocate, Office of**

26	Positions	(4)
28	Personal Services	\$211,819
30	All Other	75,939

32 Provides funds to transfer 3 attorneys, one
34 legal secretary, expert witness and legal
36 fees and other operating expenses from the
38 Public Advocate Regulatory Fund to the
40 General Fund. Funds are also included to
42 cover increases in salaries, benefits,
44 witness fees and related expenses.

46 **EXECUTIVE DEPARTMENT**
48 **TOTAL** \$287,758

50 **Emergency clause.** In view of the emergency cited in the
52 preamble, this Act takes effect July 1, 1990.

54 **FISCAL NOTE**

56 Section 2 of this bill continues the Public Advocate utility
58 assessment on intrastate operating revenues; however, funds
60 derived from the assessment will be credited to the General
62 Fund. The assessment for fiscal year 1990-91 will be \$383,000
64 and assessments for subsequent years will be based on 80% of the
66 funds appropriated for the Public Advocate for the preceding
68 fiscal year.

70 Section 3 provides an appropriation for 4 positions and
72 operating expenses currently funded by the Public Advocate
74 Regulatory Fund. If enacted, the total General Fund budget for
76 the Public Advocate for fiscal year 1990-91 would be \$479,143.
78 This bill provides a \$95,242 General Fund revenue surplus in
80 fiscal year 1990-91.

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STATEMENT OF FACT

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6 This bill implements the recommendations of an
8 organizational and financial review of the Office of Public
10 Advocate conducted by the Joint Standing Committee on
12 Appropriations and Financial Affairs. This bill provides
14 sufficient funds to operate the Office of Public Advocate at its
current level and continue the Public Advocate utility assessment
revenue. Funds derived from the assessment will be deposited in
the General Fund as undedicated revenue. This bill also
clarifies the use of fees received from workers' compensation
rate hearings.