

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 977

S.P. 325

In Senate, March 22, 1993

**An Act to Make Allocations from the Public Advocate Regulatory Fund
for the Fiscal Years Ending June 30, 1994 and June 30, 1995.**

(EMERGENCY)

Reference to the Committee on Utilities suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator VOSE of Washington. (GOVERNOR'S BILL).
Cosponsored by Representatives: CLARK of Millinocket, DONNELLY of Presque Isle,
TAYLOR of Cumberland.

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of the Office of Public Advocate will become due and payable on or immediately after July 1, 1993; 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. 35-A MRSA §116, sub-§8, as amended by PL 1991, c. 591, Pt. CC, §2, is further amended to read:

8. 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 ~~\$511,203~~ \$557,307 in revenues for fiscal year 1991-92 1993-94 and ~~\$548,771~~ \$571,615 in fiscal year 1992-93 1994-95 for operating the Office of Public Advocate. The revenues produced from this assessment are transferred to the Public Advocate Regulatory Fund and may only be used to fulfill the duties specified in chapter 17. The assessments charged to utilities under this subsection are considered just and reasonable operating costs for rate-making purposes. The Public Advocate shall develop a method of accounting for staff time within the Office of Public Advocate. All professional and support staff shall account for their time in such a way as to identify the percentage of time devoted to public utility regulation and the percentage of time devoted to other duties that may be required by law.

A. The assessments and expenditures provided in this section are subject to legislative approval in the same manner as the budget of the Public Advocate is approved. The Public Advocate shall make an annual report of its planned expenditures for the year and on its use of funds in the previous year. The Public Advocate shall also receive other funds as appropriated by the Legislature.

B. The Public Advocate may use the revenues provided in accordance with this section to fund 7 employees and to defray the costs incurred by the Public Advocate pursuant to

2 this Title, including administrative expenses, general
expenses, consulting fees and all other reasonable costs
4 incurred to administer this Title.

6 C. Except as specified in this subsection, any amount of
the funds that is not expended at the end of a fiscal year
8 does not lapse, but must be carried forward to be expended
for the purposes specified in this section in succeeding
10 fiscal years; but any unexpended funds in excess of 7% of
the total annual assessment authorized in this section must,
12 at the option of the Public Advocate, either be presented to
the Legislature in accordance with paragraph A for
14 reallocation and expenditure or used to reduce the utility
assessment in the following fiscal year.

16 D. Any utility, subject to this section, that willfully
fails to pay the assessments in accordance with this section
18 commits a civil violation for which a forfeiture of not more
than \$500 may be adjudged per day for which payment is not
20 made following the due date.

22 **Sec. 2. Reorganization.** The Office of Public Advocate is
transferred from the Executive Department to the Department of
24 the Attorney General, Consumer Fraud and Antitrust Division
effective July 1, 1993. The Attorney General shall submit
26 legislation to the First Regular Session of the 116th Legislature
to fully implement this reorganization.

28 **Sec. 3. Allocation of funds.** Income to the Public Advocate
Regulatory Fund for the next 2 fiscal years, from July 1, 1993 to
30 June 30, 1994 and from July 1, 1994 to June 30, 1995, must be
32 segregated, apportioned and disbursed as designated in the
following schedule.

	1993-94	1994-95
ATTORNEY GENERAL, DEPARTMENT OF THE		
Administration - Attorney General		
Positions - Other Count	(7.0)	(7.0)
Personal Services	\$414,021	\$420,382
All Other	143,286	151,233
DEPARTMENT OF THE ATTORNEY GENERAL		
TOTAL	\$557,307	\$571,615

48 **Sec. 4. Adjustments to allocations.** Allocations may be increased
or adjusted by the State Budget Officer, with the approval of the
50 Governor, to specifically cover those adjustments

2 determined to be necessary under any salary plan approved by the
Legislature, and those reclassifications or range changes that
4 have been approved by the Department of Administrative and
Financial Services and submitted for legislative review prior to
6 the effective date of this Act.

8 **Sec. 5. Encumbered balance at year end.** Encumbered balances
must be carried forward in accordance with the Maine Revised
10 Statutes, Title 35-A, section 116, subsection 8, paragraph C.

12 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect July 1, 1993.

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FISCAL NOTE

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	1993-94	1994-95
Allocations from the Public		
20 Advocate Regulatory Fund	\$557,307	\$571,615

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STATEMENT OF FACT

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This bill makes allocations from the Public Advocate
Regulatory Fund for the fiscal years ending June 30, 1994 and
June 30, 1995.