

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 1059

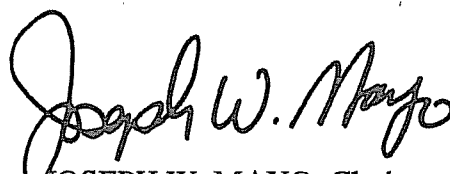
H.P. 786

House of Representatives, March 29, 1993

**An Act to Establish the Public Advocate Regulatory Fund Assessment
for the Next Biennium.**

(EMERGENCY)

Reference to the Committee on Utilities suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative CLARK of Millinocket.
Cosponsored by Representatives: AIKMAN of Poland, CASHMAN of Old Town, HOLT of
Bath, MORRISON of Bangor, Senators: CLEVELAND of Androscoggin, VOSE of Washington.

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

Whereas, the next fiscal year may begin before the expiration of the 90-day period; and

Whereas, the Public Advocate requires additional funds in fiscal year 1993-94 and fiscal year 1994-95 for ongoing services to ensure reliable service at just and reasonable rates for state ratepayers; and

Whereas, these funds must be assessed by May 1, 1993 to be available in fiscal year 1993-94; 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 MRS §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 in revenues for fiscal year 1991-92 and \$548,771 in fiscal year 1992-93~~ \$557,307 in revenues for fiscal year 1993-94 and \$571,615 in fiscal year 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

2 the previous year. The Public Advocate shall may also
receive other funds as appropriated by the Legislature.

4 B. The Public Advocate may use the revenues provided in
accordance with this section to fund 7 employees and to
6 defray the costs incurred by the Public Advocate pursuant to
this Title, including administrative expenses, general
8 expenses, consulting fees and all other reasonable costs
incurred to administer this Title.

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

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

28 **Sec. 2. Allocation; Public Advocate Regulatory Fund.** Income not
otherwise allocated from the Public Advocate Regulatory Fund is
30 allocated for the fiscal year ending June 30, 1993 and the fiscal
year ending June 30, 1994 and must be segregated, apportioned and
32 disbursed as designated in the following schedule.

	1993-94	1994-95
34		
36	PUBLIC ADVOCATE	
38	Public Advocate Regulatory Fund	
40	Personal Services	\$414,021
	All Other	143,286
42		\$420,382
		151,233
44	PUBLIC ADVOCATE	
	TOTAL	<u>\$557,307</u>
		<u>\$571,615</u>

46 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.

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STATEMENT OF FACT

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4 This bill establishes the level of funding for the Public
Advocate's activities at the Public Utilities Commission for
fiscal year 1993-94 and fiscal year 1994-95 by means of an
6 assessment on the State's utilities.