

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1994

Legislative Document

No. 1879

S.P. 693

In Senate, February 15, 1994

An Act to Enhance the Effectiveness of the Office of the Public Advocate.

Submitted by the Office of Public Advocate pursuant to Joint Rule 24.
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 CARPENTER of York.
Cosponsored by Senator: LAWRENCE of York, Representatives: CASHMAN of Old Town,
DONNELLY of Presque Isle.

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

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Sec. 1. 35-A MRSA §116, sub-§8, ¶C, as enacted by PL 1991, c. 591, Pt. CC, §2, is repealed.

Sec. 2. 35-A MRSA §116, sub-§8, ¶C-1 is enacted to read:

C-1. Except as specified in this subsection, funds that are not expended at the end of a fiscal year do not lapse but must be carried forward to be expended for the purposes specified in this section in succeeding fiscal years; but unexpended funds in excess of 10% of the total annual assessment authorized in this section must, at the option of the Public Advocate, either be presented to the Legislature in accordance with paragraph A for reallocation and expenditure or used to reduce the utility assessment in the following fiscal year.

Sec. 3. 35-A MRSA §1701, sub-§3, as enacted by PL 1987, c. 141, Pt. A, §6, is repealed.

Sec. 4. 35-A MRSA §1701, sub-§4 is enacted to read:

4. Service. All employees of the Public Advocate serve at the pleasure of the Public Advocate and are designated as confidential, unclassified employees.

Sec. 5. Retroactivity. This Act is retroactive to July 1, 1994.

Sec. 6. Effective date. This Act takes effect July 1, 1995.

STATEMENT OF FACT

This bill creates greater flexibility for the office of the Public Advocate in its representation of utility consumers by permitting up to 10% of the agency's utility budget unspent at the end of a fiscal year to be carried forward for use in the following fiscal year.

Additionally, in recognition of the fact that the employees of the office of the Public Advocate routinely deal with matters designated confidential by the Public Utilities Commission or the Federal Energy Regulatory Commission, this bill redesignates all employees of the office as confidential employees, thereby

causing certain employment benefits that previously had been paid
by the employees themselves to be assumed by the office instead.

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This document has not yet been reviewed to determine the
need for cross-reference, stylistic and other technical
amendments to conform existing law to current drafting standards.