

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DATE: 3.15.05

(Filing No. S-18)

UTILITIES AND ENERGY

Reported by:

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE
SENATE
122ND LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 36, L.D. 94, Bill, "An Act To Credit Utility Customers with Certain Amounts Paid as Fines"

Amend the bill by striking out the title and substituting the following:

'An Act To Allow Administrative Penalties Imposed by the Public Utilities Commission To Be Applied To Benefit Customers'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 35-A MRSA §117, sub-§3, as amended by PL 2003, c. 505, §13, is further amended to read:

3. Administrative penalties. All Except as provided in this subsection, all administrative penalties collected by the commission must be deposited into the Public Utilities Commission Reimbursement Fund. Administrative penalties not needed to reimburse the commission for additional expenses associated with the enforcement activities that resulted in the collection of the penalty must be transferred to the General Fund of the State Treasury.

A. The commission may use amounts collected as administrative penalties and deposited in the Public Utilities Commission Reimbursement Fund to reimburse the commission for additional expenses associated with the enforcement activities that resulted in the collection of the penalty.

B. After deducting any amount used pursuant to paragraph A, the commission may, to the extent practicable and in as

COMMITTEE AMENDMENT

10/18

COMMITTEE AMENDMENT 'A' to S.P. 36, L.D. 94

2 equitable and fair a manner as possible, apply
3 administrative penalties, along with any accrued interest,
4 in accordance with this paragraph. The commission shall
5 seek to apply the amount in a manner that benefits those
6 customers affected or potentially affected by the violation,
7 if they can reasonably be identified or, if the commission
8 determines this application of the amount to be impractical
9 or unreasonable, in a manner that benefits the class or
10 group of customers affected or potentially affected by the
11 violation. In order to achieve the purposes of this
12 paragraph, the commission may apply the funds:

13
14 (1) In the form of a direct payment or credit to the
15 customers or group or class of customers affected or
16 potentially affected by the violation resulting in the
17 administrative penalty;

18 (2) To supplement a low-income assistance or outreach
19 program that the commission determines would benefit
20 customers affected or potentially affected by the
21 violation resulting in the administrative penalty;

22
23 (3) To supplement the conservation program fund
24 established pursuant to section 3211-A, subsection 5;

25 (4) To supplement the telecommunications education
26 access fund established pursuant to section 7104-B; or

27
28 (5) To supplement any other program or fund that the
29 commission determines would benefit customers affected
30 or potentially affected by the violation.

31
32 Amounts applied pursuant to this paragraph to supplement an
33 existing program or fund may not result in a reduction in
34 other funding provided for the program or fund unless the
35 reduction is outside the commission's control and the
36 commission finds that application of the penalty amount to
37 the fund or program is the most appropriate use of the
38 penalty and the net effect will be an increase in total
39 funding available to the program or fund.

40
41 **Sec. 2. 35-A MRSA §1510-A, as enacted by PL 2003, c. 505,**
42 **§26, is repealed and the following enacted in its place:**

43 **§1510-A. Disposition of administrative penalty**

44
45 The disposition of administrative penalties collected by
46 the commission is governed by section 117, subsection 3.'

47
48
49
50

Ref's

SUMMARY

2
4
6
8
10
12
14
16
18
20
22
24
26
28

This amendment replaces the bill. This amendment authorizes the Public Utilities Commission to apply administrative penalties imposed by the commission in a manner that benefits those customers affected or potentially affected by the violations that resulted in the penalties. If the commission determines this application of the amount to be impractical or unreasonable, the amendment authorizes the commission to apply the amount in a manner that benefits the class or group of customers affected or potentially affected by the violation. The commission is authorized to apply the amounts in the form of a direct payment or credit to the customers or group or class of customers affected or potentially affected by the violation. The commission is also authorized to apply the penalties to supplement programs or funds that the commission determines would benefit customers affected or potentially affected by the violation. The amendment specifies that any amounts applied to supplement an existing program or fund may not result in a reduction in other funding provided for the program or fund unless the reduction is outside the commission's control and the commission finds that application of the penalty amount to the fund or program is the most appropriate use of the penalty and the net effect will be an increase in total funding available to the program or fund.

FISCAL NOTE REQUIRED
(See attached)



122nd MAINE LEGISLATURE

LD 94

LR 0590(02)

An Act to Credit Utility Customers with Certain Amounts Paid as Fines

Fiscal Note for Bill as Amended by Committee Amendment *A*

Committee: Utilities and Energy

Fiscal Note Required: Yes

Fiscal Note

Potential current biennium decrease to unbudgeted revenue - General Fund

Fiscal Detail and Notes

This bill removes the requirement that penalty amounts that exceed enforcement expenses be transferred to the General Fund and allows expanded use of the funds within the Public Utilities Commission Reimbursement Fund. The Public Utilities Commission does not project any estimated penalty balances being transferred to the General Fund in the current budget. Therefore, if the Public Utilities Commission does levy fines and the expenses associated with the enforcement activities that resulted in their collection are less than the fines, any revenue loss to the General Fund from this bill would be to unbudgeted revenue. There have been penalty amounts collected in the past that did exceed expenses and that excess was transferred to the General Fund.