

# MAINE STATE LEGISLATURE

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Date: 2/28/7

(Filing No. H- // )

**UTILITIES AND ENERGY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
123RD LEGISLATURE  
FIRST REGULAR SESSION**

9 COMMITTEE AMENDMENT "A" to H.P. 223, L.D. 267, Bill, "An Act To Ensure  
10 Proper Funding of the Public Utilities Commission"

11 Amend the bill in section 1 in subsection 1 in the 5th line (page 1, line 16 in L.D.) by  
12 striking out the following: "operating the commission" and inserting the following: 'the  
13 Public Utilities Commission Regulatory Fund established pursuant to this section. The  
14 budget for the Public Utilities Commission Regulatory Fund is subject to legislative  
15 review and approval in accordance with subsection 2'

16 Amend the bill by inserting after section 1 the following:

17 'Sec. 2. 35-A MRSA §116, sub-§2, as amended by PL 1997, c. 424, Pt. B, §4, is  
18 further amended to read:

19 **2. Committee recommendations; legislative approval of budget.** The commission  
20 shall submit its budget recommendations as part of the unified current services budget  
21 legislation in accordance with Title 5, sections 1663 to 1666. The commission shall make  
22 a presentation of its budget recommendations contained in any current services budget  
23 legislation and any supplemental budget legislation to the joint standing committee of the  
24 Legislature having jurisdiction over public utilities matters. The joint standing committee  
25 of the Legislature having jurisdiction over public utilities matters shall review the  
26 commission's recommendations and make recommendations to the joint standing  
27 committee of the Legislature having jurisdiction over appropriations and financial affairs  
28 regarding the budget of the commission, including but not limited to all expenditures  
29 from the fund established pursuant to this section. The commission shall make an annual  
30 report in accordance with section 120 of its planned expenditures for the year and on its  
31 use of funds in the previous year. ~~The~~ In addition to the assessments authorized under  
32 this section, the commission may also receive other funds as appropriated or allocated by  
33 the Legislature.'

**COMMITTEE AMENDMENT**

R.O/S.

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**SUMMARY**

This amendment clarifies the role of the joint standing committee of the Legislature having jurisdiction over public utilities matters with respect to review and oversight of the Public Utilities Commission, PUC, budget and the Public Utilities Commission Regulatory Fund in particular. It amends the provision of law governing the legislative approval of the PUC budget to specify that the PUC shall present its budget to the joint standing committee and the committee shall make recommendations on the entire budget, including the Public Utilities Commission Regulatory Fund. The amendment also clarifies the language in the bill regarding the maximum total assessment to specify that legislative allocations for the Public Utilities Commission Regulatory Fund govern the total assessment amount. Finally, it also clarifies that the Legislature may allocate, not only appropriate, additional funds for the commission.

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**FISCAL NOTE REQUIRED**  
**(See attached)**



# 123rd MAINE LEGISLATURE

LD 267

LR 433(02)

## An Act To Ensure Proper Funding of the Public Utilities Commission

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

Committee: Utilities and Energy

Fiscal Note Required: Yes

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### Fiscal Note

Current biennium revenue increase - Other Special Revenue Funds

Current biennium cost increase - Other Special Revenue Funds

#### Fiscal Detail and Notes

This legislation replaces the current annual assessment cap of \$5,505,000 that can be charged to public utilities with language that allows the Public Utilities Commission to assess "sufficient revenue for expenditures allocated by the Legislature for the Public Utilities Commission Regulatory Fund." The Public Utilities Commission's budget request contained in LD 499, the Governor's proposed biennial budget, is \$7,558,277 in fiscal year 2007-08 and \$7,797,219 in fiscal year 2008-09. The Commission has been using unexpended funds built up from previous assessments to meet ongoing expenditures that exceed revenues generated under the existing assessment cap. These balances will no longer be available and the Commission will need to either change the cap or curtail its expenditures. Eliminating the cap will allow the higher level of expenditures contained in the proposed budget.