

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND TWELFTH LEGISLATURE

**SECOND REGULAR SESSION**  
January 8, 1986 to April 16, 1986

**SECOND SPECIAL SESSION**  
May 28, 1986 to May 30, 1986

AND AT THE

**THIRD SPECIAL SESSION**  
October 17, 1986

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Co., Inc.  
Augusta, Maine

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND TWELFTH LEGISLATURE  
1985

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notify all interested parties that they have 30 calendar days from the entry of the order to file a written request for a hearing on the matter with the superintendent and that the hearing will be scheduled to commence within 15 calendar days after the receipt of the written request.

Notwithstanding anything in this subsection, the superintendent may give notice of the entry of the notice of intent or summary order to such parties as he may determine to be necessary or appropriate.

Effective July 16, 1986.

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## CHAPTER 618

H.P. 1378 - L.D. 1941

AN ACT to Improve the Effectiveness of the  
Consumer Assistance Division of the  
Public Utilities Commission and to  
make Other Changes in the Statutes.

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

Sec. 1. 2 MRSA §6-A, sub-§3, as amended by PL 1983, c. 729, §1, is further amended to read:

3. Other employees. The salaries of the following employees shall be within salary range 88:

- A. General counsel;
- B. Director of finance;
- C. Administrative Director; and
- D. Director of technical analysis; and
- E. Director of consumer assistance.

Sec. 2. 2 MRSA §6-A, sub-§3-A is enacted to read:

3-A. Other employees; range 80. The salaries of the following employees shall be within salary range 80:

- A. Assistant administrative director; and

B. Assistant to the director of consumer assistance.

Sec. 3. 5 MRSA §931, sub-§1, ¶J, as enacted by PL 1985, c. 481, Pt. A, §9, is amended to read:

J. Staff attorney, financial analyst and, chief utility accountant, assistant administrative director and assistant to the director of consumer assistance positions at the Public Utilities Commission.

Sec. 4. 5 MRSA §949, sub-§1, as enacted by PL 1983, c. 729, §4, is amended to read:

1. Major policy-influencing positions. The following positions are major policy-influencing positions within the Public Utilities Commission. Notwithstanding any other provision of law, these positions and their successor positions shall be subject to this chapter:

- A. General Counsel - Public Utilities Commission;
- B. Director of Finance;
- C. Administrative Director; and
- D. Director of Technical Analysis-; and
- E. Director of Consumer Assistance.

Sec. 5. 35 MRSA §1, as amended by PL 1985, c. 481, Pt. A, §65, is further amended to read:

§1. Members; terms; vacancies; seal; clerks; office and equipment; salary; expenses

The Public Utilities Commission, as heretofore established, shall consist of 3 members appointed by the Governor, subject to review by the legislative committee having jurisdiction over public utilities and to confirmation by the Legislature from time to time upon the expiration of the terms of the several members, for terms of 6 years and all 3 members of the commission shall devote full time to their duties. Each term shall end on March 31st of the 6th year of the term. A commissioner may continue to serve beyond the end of his term until a duly qualified successor is appointed. Any vacancy occurring in said commission shall be filled by appointment for the unexpired portion of the term in which such vacancy occurs. One member of the commission shall be

designated by the Governor as chairman. The basic policies of the Public Utilities Commission are to be set by the commission. Each commissioner is entitled to full access to the Public Utilities Commission staff and to any information available at the commission. The chairman shall be the principal executive officer of the commission in carrying out its policies and shall preside at meetings of the commission. The chairman shall be responsible for the expedient organization of the work of the commission. When absent one working day or more, the chairman shall name another commissioner to act as chairman. For any particular hearing or series of hearings before the commission, the chairman may assign a commissioner, including the chairman, to attend. The commission shall adopt and have a seal and be provided with office space. The commission shall appoint an administrative director, a director of finance and, a director of technical analysis and a director of consumer assistance: It shall appoint, with the approval of the Attorney General, a general counsel. It shall appoint, ~~subject to the Personnel Law,~~ an assistant ~~to the~~ administrative director. The administrative director shall keep a ~~full and minute~~ record of the proceedings of the commission which shall be open to public inspection at all times. The assistant administrative director shall assist the director in the performance of his duties, and in the absence of the director shall have the same powers as the director. The administrative director shall have authority to certify to all official acts of the commission, administer oaths, issue subpoenas and issue all processes, notices, orders or other documents necessary to the performance of the duties of the commission. The commission may delegate to its staff such powers and duties as the commission finds proper. All delegations existing as of the effective date of this section shall remain valid.

The salaries of the other subordinate officials and employees of ~~that~~ the commission, other than those of the general counsel, the Administrative Director, the assistant administrative director, the director of finance and, the director of technical analysis, the director of consumer assistance, the assistant to the director of consumer assistance and the staff attorney, financial analyst and chief utility accountant positions, shall be subject to the Personnel Law. The general counsel, the Administrative Director, the assistant administrative director, the Director of Finance and, the Director of Technical Analysis, the director of consumer assistance and the assistant to the director of consumer assistance shall serve at the pleasure of the commission and

their salaries shall be set by the commission within the range established by Title 2, section 6-A. After successful completion of a probationary period, the employees occupying the staff attorney, financial analyst and chief utility accountant positions may be dismissed, suspended or otherwise disciplined only for cause. The compensation of the staff attorney, seasonal legal researcher, financial analyst and chief utility accountant positions shall be fixed by the commission with the approval of the Governor, but the compensations shall not in the aggregate exceed the total amount appropriated or allocated in the commission's budget. The commissioners and all employees shall receive actual expenses when traveling on official business.

Sec. 6. 35 MRSa §17, sub-§1, as amended by PL 1985, c. 125, §1, is further amended to read:

1. Utilities subject to assessments. Every electric, gas, telegraph, telephone and water utility subject to regulation by the commission and every water carrier subject to the jurisdiction of the commission pursuant to Private and Special Act of the Legislature shall be subject to an assessment of not more than .25% on its intrastate gross operating revenues to produce no more than ~~\$1,894,000 in revenues annually beginning in the 1985-86 fiscal year and no more than \$1,939,000~~ \$2,079,000 in revenues annually beginning in the 1986-87 fiscal year. The commission shall determine the assessments annually prior to May 1st and shall assess each utility for its pro rata share. Each utility shall pay the assessment charged to the utility on or before July 1st of each year. Any increase in the assessment that becomes effective subsequent to May 1st may be billed on the effective date of the Act authorizing the increase.

A. The assessments charged to utilities under this section shall be deemed just and reasonable operating costs for rate-making purposes.

B. For the purposes of this section, intrastate gross operating revenues means intrastate revenues derived from filed rates, except revenues derived from sales for resale.

C. Gas utilities subject to the jurisdiction of the commission solely with respect to safety shall not be subject to any assessment until such time as the commission has reviewed the scope and cost of such jurisdiction and an assessment or fee structure is authorized by the Legislature.

D. The commission may at its discretion correct any errors in the assessments by means of a credit or debit to the following year's assessment rather than reassessing all utilities in the current year.

Sec. 7. 35 MRSA §17, sub-§4, as amended by PL 1985, c. 125, §2, is further amended to read:

4. Use of funds. The Public Utilities Commission is authorized to fund 39 43 employees and 2 seasonal legal researchers from the revenues provided in this section to defray the costs incurred by the commission pursuant to this Title and to include administrative expenses, general regulatory expenses, consulting fees and all other reasonable costs incurred to administer this Title. The seasonal legal researcher positions shall not be subject to the Personnel Law.

Sec. 8. Allocation. Income not otherwise allocated from the Public Utilities Commission Regulatory Fund is allocated for the fiscal year ending June 30, 1987, and shall be segregated, apportioned and disbursed as designated in the following schedule:

	<u>1986-87</u>
<u>PUBLIC UTILITIES COMMISSION</u>	
Positions	(4)
Personal Services	\$113,874
All Other	14,016
Capital Expenditures	<u>12,110</u>
Total	\$140,000

Effective July 16, 1986.

## CHAPTER 619

H.P. 1445 - L.D. 2039

### AN ACT to Repeal the Maine Takeover Bid Disclosure Law.

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

13 MRSA c. 23, as amended, is repealed.

Effective July 16, 1986.