

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**THIRD SPECIAL SESSION**  
October 1, 1992 to October 6, 1992

**FOURTH SPECIAL SESSION**  
October 16, 1992

**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
December 2, 1992 to July 14, 1993

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 13, 1993**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1993**

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

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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**CHAPTER 174****H.P. 786 - L.D. 1059****An Act to Establish the Public Advocate  
Regulatory Fund Assessment for the  
Next Biennium**

**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 MRSA §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 Ad-

vocate is approved. The Public Advocate shall make an annual report of its planned expenditures for the year and on its use of funds in the previous year. The Public Advocate ~~shall~~ may also receive other funds as appropriated by the Legislature.

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

C. Except as specified in this subsection, any amount of the funds that is not expended at the end of a fiscal year does not lapse, but must be carried forward to be expended for the purposes specified in this section in succeeding fiscal years; but any unexpended funds in excess of 7% 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.

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

**Sec. 2. Allocation; Public Advocate Regulatory Fund.** Income not otherwise allocated from the Public Advocate Regulatory Fund is allocated for the fiscal year ending June 30, 1994 and the fiscal year ending June 30, 1995 and must be segregated, apportioned and disbursed as designated in the following schedule.

	1993-94	1994-95
<b>EXECUTIVE DEPARTMENT</b>		
<b>Office of Public Advocate</b>		
Positions - Other Count	(7.0)	(7.0)
Personal Services	\$414,021	\$420,382
All Other	143,286	151,233
<b>EXECUTIVE DEPARTMENT</b>		
<b>TOTAL</b>	<b>\$557,307</b>	<b>\$571,615</b>

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

Effective May 27, 1993.