

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

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**Legislative Document**

**No. 889**

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H. P. 710

House of Representatives, March 4, 1975

Referred to the Committee on Appropriations and Financial Affairs. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Smith of Dover-Foxcroft.

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

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**AN ACT to Allocate Moneys for the Administrative Expenses of the State Lottery Commission for the Fiscal Years Ending June 30, 1976 and June 30, 1977.**

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**Emergency preamble.** Whereas, Acts and resolves passed by the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the said 90-day period will not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of the State Lottery Commission will become due and payable on or immediately after July 1, 1975; 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. Allocation of fund.** In order to provide the necessary expenses for operation and administration of the State Lottery Commission, the following amounts, or as much as may be necessary, are allocated from the revenues derived from operations of the fund:

01	GENERAL GOVERNMENT		
94000	<b>INDEPENDENT AGENCIES — OTHER</b>		
1	<b>Current Services</b>	PAGE #	1975-76      1976-77
0023	State Lottery Commission . . . .	2-274	
	Positions	(40)	(40)
	Personal Services	550,662	572,610
	All Other	1,054,618	1,054,818
	Total	<u>\$1,605,280</u>	<u>\$1,627,428</u>

**Sec. 2. Allotments required.** Upon receipt of allotments duly approved by the Governor and Council based upon work programs submitted to the State Budget Officer, the State Controller shall authorize expenditures from these allocations on the basis of such allotments and not otherwise.

**Sec. 3. Legislative intent.** It is the intent of the Legislature that the allocation of funds by the Legislature, as provided by this Act, shall apply to the operating expenses only and that such allocations shall be allotted and approved under the Revised Statutes, Title 5.

**Sec. 4. Personal Services allocation.** The figures in parentheses shown just before each dollar amount provided for Personal Services in this Act, or as adjusted by other legislative action, shall represent the total number of authorized permanent positions in such account and the maximum number of persons employable on a permanent basis at any one time. The allocations made for Personal Services are made with the provision that the total number of permanent positions in the fund shall not be increased during either year of the biennium over the total numbers shown in parentheses and used by the Legislature in computing the total dollars to be made available for Personal Services. The amounts allocated for Personal Services include funds for the state's share of state employees retirement. The State Controller shall transfer the state's share to the Maine State Retirement System as soon as practicable after each payroll is paid.

**Sec. 5. Personal Services savings and flexibility.** Savings accruing within appropriations made for permanent positions may be used for nonrecurring personal services or retirement costs when recommended by the department head and the State Budget Officer, and approved by the Governor and Council. To provide some degree of flexibility, each department may apply to the State Personnel Board for an exchange between job classifications, and such action may be approved if by so doing the total amount determined to be made available for Personal Services, in each department, is not exceeded and also providing that certification is made, in writing, by the department head, that such action will not result in an increased request for Personal Service moneys from any future Legislature. Copies of all State Personnel Board actions and department head certifications relating to such changes shall be furnished to the Legislative Finance Officer.

**Sec. 6. Personal Services review.** The Budget Office, during the next biennium, shall continually review with all the departments the status of their personnel with the purpose of determining that all departments are expending

Personal Services moneys within the intent of the Legislature, and shall report any expenditures contrary to such intent to the Governor and Council and the Legislative Finance Officer.

**Sec. 7. Personal Services adjustments.** Personal Services allocations of the State Lottery Commission may be adjusted by the Budget Officer with the approval of the Governor and Council to specifically cover those adjustments determined to be necessary under any salary plan approved by the Legislature.

**Sec. 8. Number of necessary employees.** The Governor and the Budget Officer when next preparing a Budget Document may at their discretion adjust the figures in parentheses, representing numbers of employees, to reflect the number of employees which in their opinion is necessary to the proper operation of the fund.

**Sec. 9. Merit ratings required.** The State Personnel Board is directed to require merit ratings on each individual who is recommended for a salary increase on a form prescribed by the board. Department heads are directed that the granting of merit increases be scrutinized and documented carefully. It is the intent of the Legislature that in instances where merit increases are not earned and warranted they shall be denied.

**Sec. 10. Exclusion.** Exclusive of sections 1 through 9, up to \$50,000 for Capital Expenditures may be expended in each year of the 1976-77 biennium.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect July 1, 1975.

#### STATEMENT OF FACT

The purpose of this bill is reflected in the emergency preamble.