MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND SPECIAL SESSION-2004

Legislative Document

No. 1934

S.P. 769

In Senate, March 17, 2004

An Act To Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005

(EMERGENCY)

Reference to the Committee on Transportation suggested and ordered printed.

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator HATCH of Somerset. (GOVERNOR'S BILL) Cosponsored by Representative USHER of Westbrook.

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

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

Whereas, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; 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:

PART A

Sec. A-1. Supplemental allocations. There are allocated from the Highway Fund for the fiscal years ending June 30, 2004 and June 30, 2005, to the departments listed, the following sums.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Departments and Agencies - Statewide 0016

Initiative: Deappropriates and deallocates Personal Services savings in fiscal years 2003-04 and 2004-05 from the Workers' Compensation line achieved through a reduction in claims from aggressive claims management.

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36	General Fund - (Informational) Personal Services	2003-04 (\$232,118)	2004-05 (\$426,925)
38	General Fund - (Informational)		
	Total	(232,118)	(426,925)
40			
	Highway Fund	2003-04	2004-05
42	Personal Services	(75,121)	(187,100)
44	Highway Fund Total	(75,121)	(187,100)

Departments and Agencies - Statewide 0016

Initiative: Deappropriates and deallocates funds for health insurance as a result of a negotiated rate that is less than what was anticipated.

G	<pre>eneral Fund - (Informational) Personal Services</pre>	2003–04 0	2004-05 (400,000)
	TOTBONIAL DOLVEOUS		
	General Fund - (Informational)		
	Total	0	(400,000)
н	ighway Fund	2003-04	2004-05
	Personal Services	0	(190,000)
	Highway Fund Total	0	(190,000)
	Highway rund local	O .	(190,000)
D	epartments and Agencies - Statewide	0016	
Т	nitiative: Allocates funds for incre	ased state cost	allocation
	rogram requirements associated with		
_	ctuarial liability costs paid by the G	_	
н	iqhway Fund	2003-04	2004-05
	All Other	0	333,928
	Winkers Fund Makel	0	333,928
	Highway Fund Total	U	333,920
	evenue Services - Bureau of 0002	he Personal Se	rvices line
I c S	evenue Services - Bureau of 0002 nitiative: Appropriates funds in the ategory to reclassify 21 existing Ferior Revenue Agent positions with ervices.	Revenue Agent p	ositions to
I c S	nitiative: Appropriates funds in that ategory to reclassify 21 existing Fenior Revenue Agent positions with ervices.	Revenue Agent p	ositions to
I C S	nitiative: Appropriates funds in that ategory to reclassify 21 existing F enior Revenue Agent positions with	Revenue Agent p in the Bureau	ositions to of Revenue
I c S	nitiative: Appropriates funds in that at a tegory to reclassify 21 existing Ferior Revenue Agent positions with ervices. eneral Fund - (Informational) Personal Services	Revenue Agent p in the Bureau 2003-04	oositions to of Revenue 2004-05
c S S	nitiative: Appropriates funds in that at egory to reclassify 21 existing Fenior Revenue Agent positions with ervices. eneral Fund - (Informational) Personal Services General Fund - (Informational)	Revenue Agent prin the Bureau 2003-04 0	oositions to of Revenue 2004-05 55,355
I c S S	nitiative: Appropriates funds in that at a tegory to reclassify 21 existing Ferior Revenue Agent positions with ervices. eneral Fund - (Informational) Personal Services	Revenue Agent p in the Bureau 2003-04	oositions to of Revenue 2004-05
I c s s	nitiative: Appropriates funds in thategory to reclassify 21 existing Fenior Revenue Agent positions with ervices. eneral Fund - (Informational) Personal Services General Fund - (Informational) Total	Revenue Agent prin the Bureau 2003-04 0 0	2004-05 55,355
I c s s	nitiative: Appropriates funds in that at egory to reclassify 21 existing Fenior Revenue Agent positions with ervices. eneral Fund - (Informational) Personal Services General Fund - (Informational)	Revenue Agent print the Bureau 2003-04 0 0 2003-04	2004-05 55,355 2004-05
I C S S S	nitiative: Appropriates funds in thategory to reclassify 21 existing Fenior Revenue Agent positions with ervices. eneral Fund - (Informational) Personal Services General Fund - (Informational) Total	Revenue Agent prin the Bureau 2003-04 0 0	2004-05 55,355
I c s s	nitiative: Appropriates funds in thategory to reclassify 21 existing Fenior Revenue Agent positions with ervices. eneral Fund - (Informational) Personal Services General Fund - (Informational) Total	Revenue Agent print the Bureau 2003-04 0 0 2003-04	2004-05 55,355 2004-05
I c s s s G	nitiative: Appropriates funds in that at a tegory to reclassify 21 existing Fenior Revenue Agent positions with ervices. eneral Fund - (Informational) Personal Services General Fund - (Informational) Total ighway Fund Personal Services Highway Fund Total	2003-04 0 2003-04 0 2003-04 0	2004-05 55,355 55,355 2004-05 8,535
I c s s s G	nitiative: Appropriates funds in that at a tegory to reclassify 21 existing Fenior Revenue Agent positions with ervices. eneral Fund - (Informational) Personal Services General Fund - (Informational) Total ighway Fund Personal Services	2003-04 0 2003-04 0 2003-04 0	2004-05 55,355 55,355 2004-05 8,535
I C S S S G G	nitiative: Appropriates funds in that ategory to reclassify 21 existing Fenior Revenue Agent positions with ervices. eneral Fund - (Informational) Personal Services General Fund - (Informational) Total ighway Fund Personal Services Highway Fund Total DMINISTRATIVE AND FINANCIAL SERVICES,	2003-04 0 2003-04 0 2003-04 0	2004-05 55,355 55,355 2004-05 8,535
I C S S S G G	nitiative: Appropriates funds in that at a tegory to reclassify 21 existing Fenior Revenue Agent positions with ervices. eneral Fund - (Informational) Personal Services General Fund - (Informational) Total ighway Fund Personal Services Highway Fund Total DMINISTRATIVE AND FINANCIAL SERVICES, EPARTMENT OF EPARTMENT TOTALS	2003-04 0 2003-04 0 2003-04 0	2004-05 55,355 2004-05 8,535 2004-05
I C S S S G G	nitiative: Appropriates funds in that at a tegory to reclassify 21 existing Fenior Revenue Agent positions with ervices. eneral Fund - (Informational) Personal Services General Fund - (Informational) Total ighway Fund Personal Services Highway Fund Total DMINISTRATIVE AND FINANCIAL SERVICES, EPARTMENT OF EPARTMENT TOTALS GENERAL FUND - (Informational)	2003-04 0 2003-04 0 2003-04 0 2003-04 (232,118)	2004-05 55,355 55,355 2004-05 8,535 2004-05 (771,570)
I C S S S G	nitiative: Appropriates funds in that at a tegory to reclassify 21 existing Fenior Revenue Agent positions with ervices. eneral Fund - (Informational) Personal Services General Fund - (Informational) Total ighway Fund Personal Services Highway Fund Total DMINISTRATIVE AND FINANCIAL SERVICES, EPARTMENT OF EPARTMENT TOTALS	2003-04 0 2003-04 0 2003-04 0	2004-05 55,355 2004-05 8,535 2004-05
I C S S S G G	nitiative: Appropriates funds in that at a tegory to reclassify 21 existing Fenior Revenue Agent positions with ervices. eneral Fund - (Informational) Personal Services General Fund - (Informational) Total ighway Fund Personal Services Highway Fund Total DMINISTRATIVE AND FINANCIAL SERVICES, EPARTMENT OF EPARTMENT TOTALS GENERAL FUND - (Informational)	2003-04 0 2003-04 0 2003-04 0 2003-04 (232,118)	2004-05 55,355 55,355 2004-05 8,535 2004-05 (771,570)

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•	PUBLIC SAFETY, DEPARTMENT OF		
2	State Police 0291		
4			
	Initiative: Transfers funds from Stat	te Police to Stat	te Police -
6	Support to cover state cost allocation inadvertently left out of Public Law 2		s that were
8			
	Highway Fund	2003-04	2004-05
10	All Other	(6,000)	(6,100)
12	Highway Fund Total	(6,000)	(6,100)
14	State Police 0291		
16	Initiative: Provides funds for the Maine State Police Officer reallocation		ng for the
18		· v	
	General Fund - (Informational)	2003-04	2004-05
20	Personal Services	596,234	162,996
22	General Fund - (Informational)		
	Total	596,234	162,996
24			
	Highway Fund	2003-04	2004-05
26	Personal Services	1,021,119	277,746
28	All Other	30,000	13,000
•	Highway Fund Total	1,051,119	290,746
30	Other Special Revenue Funds -		
32	(Informational)	2003-04	2004-05
32	Personal Services	13,392	13,908
34	All Other	400	400
34	All other	400	400
36	Other Special Revenue Funds -		
	(Informational) Total	13,792	14,308
38	<u>.</u>		
	State Police 0291		
40	Tuitianian Duni lan Cola I		
4.3			entification ecialist I
42	<u>-</u>	-	ecialist I process the
	Postcious in one agreed or iden	crrrcacron co b	rocess the

positions in the Bureau of Identification to process the increasing demands of law-enforcement-requested background checks.

46	General Fund - (Informational)	2003-04	2004-05
	Personal Services	. 0	86,950
48			
	General Fund - (Informational)		
50	Total	0	86,950

2	Highway Fund	2003-04	2004-05
_	Positions - Legislative Count	(0.000)	(5.000)
4	Personal Services	0	148,041
_	All Other	0	4,500
6	Highway Fund Total	0	152,541
8			
10	Motor Vehicle Inspection 0329		
10	Initiative: Provides funds for the	arhitration ruling	for the
12	Maine State Police Officer reallocation		202 0
14	Highway Fund	2003-04	2004-05
	Personal Services	59,927	0
16	All Other	1,800	0
18	Highway Fund Total	61,727	0
20	Traffic Safety 0546		
22	Initiative: Provides funds for the a	-	for the
24		*	
	Highway Fund	2003-0 4	2004-05
26	Personal Services	15,244	6,826
	All Other	450	200
28			7.026
30	Highway Fund Total	15,694	7,026
30	Traffic Safety - Commercial Vehicle		
32	Enforcement 0715		
34	Initiative: Provides funds for the	arbitration ruling	for the
	Maine State Police Officer reallocation	_	
	Maine Scace Forice Officer realiocacion	11 •	
36	Maine State Fortice Officer realiocation	n •	
	Highway Fund	2003-04	2004–05
36		2003-04 237,103	2004-05 80,704
38	Highway Fund	2003-04	
	Highway Fund Personal Services All Other	2003-04 237,103 7,000	80,704
38 40	Highway Fund Personal Services	2003-04 237,103	80,704
38	Highway Fund Personal Services All Other Highway Fund Total	2003-04 237,103 7,000	80,704
38 40	Highway Fund Personal Services All Other Highway Fund Total	2003-04 237,103 7,000	80,704
38 40 42	Highway Fund Personal Services All Other Highway Fund Total State Police - Support 0981	2003-04 237,103 7,000 244,103	80,704 2,400 83,104
38 40 42	Highway Fund Personal Services All Other Highway Fund Total State Police - Support 0981 Initiative: Transfers funds from Stat Support to cover state cost allocation	2003-04 237,103 7,000 244,103 e Police to State	80,704 2,400 83,104 Police -
38 40 42 44	Highway Fund Personal Services All Other Highway Fund Total State Police - Support 0981 Initiative: Transfers funds from State	2003-04 237,103 7,000 244,103 e Police to State	80,704 2,400 83,104 Police -
38 40 42 44 46	Highway Fund Personal Services All Other Highway Fund Total State Police - Support 0981 Initiative: Transfers funds from Stat Support to cover state cost allocation	2003-04 237,103 7,000 244,103 e Police to State	80,704 2,400 83,104 Police -

2	Highway Fund Total	6,000	6,100
4	PUBLIC SAFETY, DEPARTMENT OF	He	
-	DEPARTMENT TOTALS	2003-04	2004-05
6		2005 01	2001 03
	GENERAL FUND - (Informational)	596,234	249,946
8	HIGHWAY FUND	1,372,643	533,417
10	OTHER SPECIAL REVENUE FUNDS -	12 700	14 200
10	(Informational)	13,792	14,308
12	DEPARTMENT TOTAL - ALL FUNDS	1,982,669	797,671
14	SECRETARY OF STATE, DEPARTMENT OF		
16	Administration - Motor Vehicles 0077		
18	Initiative: Allocates funds to con		
20	positions and one Motor Vehicle Serve through December 31, 2004. The posit through April 16, 2004 by financial or	ions are current	ly approved
22	The additional fiscal year 2003-04 savings.		
24	20.2.52		
	Highway Fund	2003-04	2004-05
26	Personal Services	0	295,277
28	Highway Fund Total	0	295,277
30	Administration - Motor Vehicles 0077	,	
32	Initiative: Allocates funds for cont	ractual services	and costs
-	incurred for services provided by		
34	Services on the BULL mainframe.		
36	Highway Fund All Other	2003–04 0	2004-05 500,000
38	All Other	U	300,000
	Highway Fund Total	0	500,000
40			
	SECRETARY OF STATE, DEPARTMENT OF		
42	DEPARTMENT TOTALS	2003-04	2004-05
44	HIGHWAY FUND	0	795,277
46	DEPARTMENT TOTAL - ALL FUNDS	0	795,277
48	TRANSPORTATION, DEPARTMENT OF	<u>`</u>	
50	Bond Interest - Highway 0358		

2 4	Initiative: Deallocates funds from program and allocates funds to the program for the Highway Bond Fund f 2004-05.	Bond Retiremen	t - Highway
6	Highway Fund	2003-04	2004-05
8	All Other	(123,750)	(215,000)
10	Highway Fund Total	(123,750)	(215,000)
12	Bond Retirement - Highway 0359		
14	Initiative: Deallocates funds from program and allocates funds to the		
16	program for the Highway Bond Fund f 2004-05.		
18			
20	Highway Fund All Other	2003–04 0	2004-05 100,000
22	Highway Fund Total	0	100,000
24	Highway and Bridge Improvement 0406		
26	Initiative: Allocates funds for hig capital projects. This allocation		
28	capital projects. This allocation \$3,000,000 from the unencumbered bal 2003-04 from several Department of		fiscal year
30	carrying accounts.	Transportation i	iighway rund
32	Highway Fund	2003-04	2004-05
34	Capital Expenditures	3,000,000	0
	Highway Fund Total	3,000,000	0
36	Highway and Bridge Improvement 0406		
.38			
40	Initiative: Allocates funds for inf Highway and Bridge Improvement program		ects in the
42	Highway Fund	2003-04	2004-05
44	Capital Expenditures	0	4,700,000
46	Highway Fund Total	0	4,700,000
40	Highway Maintenance 0330		
48	Initiative: Corrects an allocation	in Dublic for 20	102 abantar
50	502 for construction of salt and sand		

Administration and Planning program to the Highway Maintenance program. Funds were inadvertently allocated to the wrong program.

4	Highway Fund	2003-04	2004-05
	All Other	202,000	0
6		 -	
	Highway Fund Total	202,000	0
8			

Administration and Planning 0339

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Initiative: Corrects an allocation in Public Law 2003, chapter 502 for construction of salt and sand storage facilities from the Administration and Planning program to the Highway Maintenance program. Funds were inadvertently allocated to the wrong program.

16	Highway Fund	2003-04	2004-05
18	All Other	(202,000)	0
	Highway Fund Total	(202,000)	0
20			
	TRANSPORTATION, DEPARTMENT OF		
22	DEPARTMENT TOTALS	2003-04	2004-05
24	HIGHWAY FUND	2,876,250	4,585,000
26	DEPARTMENT TOTAL - ALL FUNDS	\$2,876,250	\$4,585,000

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PART B

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Sec. B-1. Allocations. There are allocated from the Highway Fund for the fiscal years ending June 30, 2004 and June 30, 2005, to the departments listed, the sums identified in the following, in order to provide funding for approved reclassifications and range changes.

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PUBLIC SAFETY, DEPARTMENT OF

38 40

State Police 0291

	General Fund - (Informational)	2003-04	2004-05
42	Personal Services	\$1,998	\$1,349
	All Other	(1,998)	(1,349)
44			
	General Fund - (Informational)		
46	Total	0	0
48	Highway Fund	2003-04	2004-05
	Personal Services	3,406	2,295
50	All Other	(3,406)	(2,295)

2	Highway Fund Total	0	0
4	TRANSPORTATION, DEPARTMENT OF		
6	Highway Maintenance 0330		
8	Highway Fund	2003-04	2004-05
	Personal Services	299	358
10	All Other	(299)	(358)
12	Highway Fund Total	0	0
14	Traffic Service 0331		
16	Highway Fund	2003-04	2004-05
	Personal Services	75	92
18	All Other	(75)	(92)
20	Highway Fund Total	0	0
22	Bridge Maintenance 0333		
24	Highway Fund	2003-04	2004-05
	Personal Services	151	179
26	All Other	(151)	(179)
28	Highway Fund Total	0	0
30	Administration and Planning 0339		
32	Highway Fund	2003-04	2004-05
	Personal Services	66,322	77,127
34	All Other	(66,322)	(77,127)
36	Highway Fund Total	0	0
38	Highway and Bridge Improvement 0406		
40	Highway Fund	2003-04	2004-05
	Personal Services	16,492	19,520
42	All Other	(16,492)	(19,520)
44	Highway Fund Total	0	0
46	Federal Expenditures Fund -		
	(Informational)	2003-04	2004-05
48	Personal Services	13,942	16,665
50	Federal Expenditures Fund -		

PART C

Sec. C-1. Calculation and transfer; recovery of unfunded actuarial liability. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of expenditures in Part A, section 1 that applies against each Highway Fund account for all departments and agencies for the increased state cost allocation program requirements associated with the recovery of unfunded actuarial liability costs and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to allocations in fiscal year 2004-05. The State Budget Officer shall provide the joint standing committee of the Legislature having jurisdiction over transportation matters a report of the transferred amounts no later than January 15, 2005.

Sec. C-2. Calculation and transfer; savings in cost of health insurance. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in Part A, section 1 that applies against each Highway Fund account for all departments and agencies from savings in the cost of health insurance and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to allocations in fiscal year 2004-05. The State Budget Officer shall provide the joint standing committee of the Legislature having jurisdiction over transportation matters a report of the transferred amounts no later than January 15, 2005.

Sec. C-3. Calculation and transfer; savings in cost of workers' compensation insurance. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in Part A, section 1 that applies against each Highway Fund account for all departments and agencies from savings in the cost of workers' compensation insurance and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to allocations in fiscal years 2003-04 and 2004-05. The State Budget Officer shall provide the joint standing committee of the Legislature having jurisdiction over transportation matters a report of the transferred amounts no later than January 15, 2005.

PART D

Sec. D-1. Sale of Payne Road Bridge in Scarborough to Maine Turnpike Authority. The Department of Transportation acting by and on behalf of the State is authorized to convey to the Maine Turnpike Authority and the Maine Turnpike Authority is authorized

50 to acquire from the State the Payne Road Bridge i

2	Scarborough for the sum of \$5,000,000 and on such other terms and provisions as the Commissioner of Transportation and the members
4	of the Maine Turnpike Authority determine are reasonable or necessary to effectuate the acquisition. The closing of this
6	transaction will be made prior to June 30, 2005. This section takes effect 90 days after the adjournment of the Second Special Session of the 121st Legislature.
8	PART E
10	
12	Sec. E-1. Highway Summer Maintenance account; lapsed balances. Notwithstanding any other provision of law, \$1,367,264 of
14	Personal Services unencumbered balance forward and \$107,468 of All Other unencumbered balance forward in fiscal year 2003-04 in the Highway Summer Maintenance account in the Department of
16	Transportation lapses to the Highway Fund in fiscal year 2003-04.
18	Sec. E-2. Traffic Services account; lapsed balances. Notwithstanding any other provision of law, \$845,363 of Personal
20	Services unencumbered balance forward in fiscal year 2003-04 in the Traffic Services account in the Department of Transportation
22	lapses to the Highway Fund in fiscal year 2003-04.
24	Sec. E-3. Bridge Maintenance account; lapsed balances. Notwithstanding any other provision of law, \$679,905 of Personal
26	Services unencumbered balance forward in fiscal year 2003-04 in the Bridge Maintenance account in the Department of
28	Transportation lapses to the Highway Fund in fiscal year 2003-04.
30	Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved, except as
32	otherwise indicated.
34	
26	SUMMARY
36	This bill does the following.
38	-
40	PART A
4.0	Part A makes allocations of funds.
42	PART B
44	
46	Part B makes allocations of funds for approved reclassifications and range changes.
48	PART C

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1. It requires the State Budget Officer to calculate the amount of expenditures in Part A, section 1 that applies against each Highway Fund account for all departments and agencies for the increased state cost allocation program requirements associated with the recovery of unfunded actuarial liability costs and requires the State Budget Officer to transfer the amounts by financial order upon the approval of the Governor.

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2. It requires the State Budget Officer to calculate the amount of savings in Part A, section 1 that applies against each Highway Fund account for all departments and agencies from savings in the cost of health insurance and to transfer the amounts by financial order upon the approval of the Governor.

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3. It requires the State Budget Officer to calculate the amount of savings in Part A, section 1 that applies against each Highway Fund account for all departments and agencies from savings in the cost of workers' compensation insurance and to transfer the amounts by financial order upon the approval of the Governor.

24 PART D

26 Part D does the following.

- 28 1. It authorizes the Department of Transportation to sell the Payne Road Bridge in Scarborough to the Maine Turnpike 30 Authority.
- 32 2. It specifies that the effective date of this Part is 90 days after the adjournment of the Second Special Session of the 34 121st Legislature.

36 PART E

38 Part E does the following.

- 40 It specifies that \$1,367,264 of Personal Services unencumbered balance forward and \$107,468 of All 42 unencumbered balance forward in fiscal year 2003-04 in the Summer Maintenance account in the Department 44 Transportation lapses to the Highway Fund in fiscal year 2003-04.
- 2. It specifies that \$845,363 of Personal Services unencumbered balance forward in fiscal year 2003-04 in the Traffic Services account in the Department of Transportation lapses to the Highway Fund in fiscal year 2003-04.

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3. It specifies that \$679,905 of Personal Services unencumbered balance forward in fiscal year 2003-04 in the Bridge Maintenance account in the Department of Transportation lapses to the Highway Fund in fiscal year 2003-04.

FISCAL NOTE REQUIRED (See attached)

FISCAL NOTE

ALLOCATIONS

		2003-04	2004-05	BIENNIUM
HIGHWAY FUND				
Part A, Section 1		4,173,772	5,879,057	10,052,829
	Total	4,173,772	5,879,057	10,052,829
*	UNDEDICATED R	EVENUE		
		2003-04	2004-05	BIENNIUM
Part D, Section 1				
Transportation, Department of			5,000,000	5,000,000
•	Total		5,000,000	5,000,000
•	· ·			
	ADJUSTMENTS TO	BALANCE		
	Highway Fund Unalloc	ated Surplus		
		2003-04	2004-05	BIENNIUM
Part E, Section 1				
Transportation, Department of		1,474,732		1,474,732
Part E, Section 2				
Transportation, Department of		845,363		845,363
Part E, Section 3		٠		
Transportation, Department of		679,905		679,905
	Total	3,000,000		3,000,000