

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.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

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

2	General Fund - (Informational)	2003-04	2004-05
	Personal Services	0	(400,000)
4			
	General Fund - (Informational)		
6	Total	0	(400,000)
8	Highway Fund	2003-04	2004-05
	Personal Services	0	(190,000)
10			
	Highway Fund Total	0	(190,000)
12			
	Departments and Agencies - Statewide 0016		
14			
	Initiative: Allocates funds for increased state cost allocation program requirements associated with the recovery of unfunded actuarial liability costs paid by the General Fund.		
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	Highway Fund	2003-04	2004-05
20	All Other	0	333,928
22			
	Highway Fund Total	0	333,928
24			
	Revenue Services - Bureau of 0002		
26			
	Initiative: Appropriates funds in the Personal Services line category to reclassify 21 existing Revenue Agent positions to Senior Revenue Agent positions within the Bureau of Revenue Services.		
28			
30			
	General Fund - (Informational)	2003-04	2004-05
32	Personal Services	0	55,355
34			
	General Fund - (Informational)		
36	Total	0	55,355
	Highway Fund	2003-04	2004-05
38	Personal Services	0	8,535
40			
	Highway Fund Total	0	8,535
42			
	ADMINISTRATIVE AND FINANCIAL SERVICES,		
	DEPARTMENT OF		
44	DEPARTMENT TOTALS	2003-04	2004-05
46	GENERAL FUND - (Informational)	(232,118)	(771,570)
	HIGHWAY FUND	(75,121)	(34,637)
48			
	DEPARTMENT TOTAL - ALL FUNDS	(307,239)	(806,207)
50			

PUBLIC SAFETY, DEPARTMENT OF

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State Police 0291

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Initiative: Transfers funds from State Police to State Police -
Support to cover state cost allocation program charges that were
inadvertently left out of Public Law 2003, chapter 40.

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Highway Fund	2003-04	2004-05
All Other	(6,000)	(6,100)
Highway Fund Total	<u>(6,000)</u>	<u>(6,100)</u>

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State Police 0291

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Initiative: Provides funds for the arbitration ruling for the
Maine State Police Officer reallocation.

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Initiative: Provides funds to establish 2 Identification
Specialist II positions and 3 Identification Specialist I
positions in the Bureau of Identification to process the
increasing demands of law-enforcement-requested background checks.

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General Fund - (Informational)	2003-04	2004-05
Personal Services	0	86,950
General Fund - (Informational) Total	<u>0</u>	<u>86,950</u>

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		<hr/>	<hr/>
	Highway Fund Total	0	152,541
8	Motor Vehicle Inspection 0329		
10	Initiative: Provides funds for the arbitration ruling for the		
12	Maine State Police Officer reallocation.		
14	Highway Fund	2003-04	2004-05
	Personal Services	59,927	0
16	All Other	1,800	0
18		<hr/>	<hr/>
	Highway Fund Total	61,727	0
20	Traffic Safety 0546		
22	Initiative: Provides funds for the arbitration ruling for the		
24	Maine State Police Officer reallocation.		
26	Highway Fund	2003-04	2004-05
	Personal Services	15,244	6,826
28	All Other	450	200
30		<hr/>	<hr/>
	Highway Fund Total	15,694	7,026
32	Traffic Safety - Commercial Vehicle Enforcement 0715		
34	Initiative: Provides funds for the arbitration ruling for the		
36	Maine State Police Officer reallocation.		
38	Highway Fund	2003-04	2004-05
	Personal Services	237,103	80,704
40	All Other	7,000	2,400
42		<hr/>	<hr/>
	Highway Fund Total	244,103	83,104
44	State Police - Support 0981		
46	Initiative: Transfers funds from State Police to State Police -		
48	Support to cover state cost allocation program charges that were		
50	inadvertently left out of Public Law 2003, chapter 40.		
	Highway Fund	2003-04	2004-05
	All Other	6,000	6,100

2	Highway Fund Total	6,000	6,100
4	PUBLIC SAFETY, DEPARTMENT OF		
	DEPARTMENT TOTALS	2003-04	2004-05
6	GENERAL FUND - (Informational)	596,234	249,946
8	HIGHWAY FUND	1,372,643	533,417
10	OTHER SPECIAL REVENUE FUNDS - (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 continue 13 Clerk Typist II		
20	positions and one Motor Vehicle Service Representative position		
22	through December 31, 2004. The positions are currently approved		
24	through April 16, 2004 by financial orders 000475F4 and 000582F4.		
26	The additional fiscal year 2003-04 costs are funded by salary		
28	savings.		
30	Highway Fund	2003-04	2004-05
32	Personal Services	0	295,277
34	Highway Fund Total	0	295,277
36	Administration - Motor Vehicles 0077		
38	Initiative: Allocates funds for contractual services and costs		
40	incurred for services provided by the Bureau of Information		
42	Services on the BULL mainframe.		
44	Highway Fund	2003-04	2004-05
46	All Other	0	500,000
48	Highway Fund Total	0	500,000
50	SECRETARY OF STATE, DEPARTMENT OF		
	DEPARTMENT TOTALS	2003-04	2004-05
	HIGHWAY FUND	0	795,277
	DEPARTMENT TOTAL - ALL FUNDS	0	795,277
	TRANSPORTATION, DEPARTMENT OF		
	Bond Interest - Highway 0358		

2 Initiative: Deallocates funds from the Bond Interest - Highway
 4 program and allocates funds to the Bond Retirement - Highway
 program for the Highway Bond Fund for fiscal years 2003-04 and
 2004-05.

6	Highway Fund	2003-04	2004-05
8	All Other	(123,750)	(215,000)
10	Highway Fund Total	<u>(123,750)</u>	<u>(215,000)</u>

12 **Bond Retirement - Highway 0359**

14 Initiative: Deallocates funds from the Bond Interest - Highway
 16 program and allocates funds to the Bond Retirement - Highway
 program for the Highway Bond Fund for fiscal years 2003-04 and
 2004-05.

18	Highway Fund	2003-04	2004-05
20	All Other	0	100,000
22	Highway Fund Total	<u>0</u>	<u>100,000</u>

24 **Highway and Bridge Improvement 0406**

26 Initiative: Allocates funds for highway and bridge improvement
 28 capital projects. This allocation is self-funded by lapsing
 \$3,000,000 from the unencumbered balance forward in fiscal year
 2003-04 from several Department of Transportation Highway Fund
 30 carrying accounts.

32	Highway Fund	2003-04	2004-05
34	Capital Expenditures	3,000,000	0
36	Highway Fund Total	<u>3,000,000</u>	<u>0</u>

38 **Highway and Bridge Improvement 0406**

40 Initiative: Allocates funds for infrastructure projects in the
 Highway and Bridge Improvement program.

42	Highway Fund	2003-04	2004-05
44	Capital Expenditures	0	4,700,000
46	Highway Fund Total	<u>0</u>	<u>4,700,000</u>

48 **Highway Maintenance 0330**

50 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.

Highway Fund	2003-04	2004-05
All Other	202,000	0
	<hr/>	<hr/>
Highway Fund Total	202,000	0

Administration and Planning 0339

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.

Highway Fund	2003-04	2004-05
All Other	(202,000)	0
	<hr/>	<hr/>
Highway Fund Total	(202,000)	0

**TRANSPORTATION, DEPARTMENT OF
DEPARTMENT TOTALS**

	2003-04	2004-05
HIGHWAY FUND	2,876,250	4,585,000
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	\$2,876,250	\$4,585,000

PART B

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.

PUBLIC SAFETY, DEPARTMENT OF

State Police 0291

General Fund - (Informational)	2003-04	2004-05
Personal Services	\$1,998	\$1,349
All Other	(1,998)	(1,349)
	<hr/>	<hr/>
General Fund - (Informational)		
Total	0	0

Highway Fund	2003-04	2004-05
Personal Services	3,406	2,295
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 -		

(Informational) Total \$13,942 \$16,665

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 to acquire from the State the Payne Road Bridge in

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
8 Session of the 121st Legislature.

10 **PART E**

12 **Sec. E-1. Highway Summer Maintenance account; lapsed balances.**

13 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
16 the Highway Summer Maintenance account in the Department of
Transportation lapses to the Highway Fund in fiscal year 2003-04.

18 **Sec. E-2. Traffic Services account; lapsed balances.**

19 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.**

25 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 **SUMMARY**

36 This bill does the following.

38 **PART A**

40 Part A makes allocations of funds.

42 **PART B**

44 Part B makes allocations of funds for approved
46 reclassifications and range changes.

48 **PART C**

Part C does the following.

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.

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.

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.

PART D

Part D does the following.

1. It authorizes the Department of Transportation to sell the Payne Road Bridge in Scarborough to the Maine Turnpike Authority.

2. It specifies that the effective date of this Part is 90 days after the adjournment of the Second Special Session of the 121st Legislature.

PART E

Part E does the following.

1. It specifies that \$1,367,264 of 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 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.

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

	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 Unallocated 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			
Transportation, Department of	679,905		679,905
Total	3,000,000		3,000,000