

MAINE STATE LEGISLATURE

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(EMERGENCY)
FIRST SPECIAL SESSION

ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1629

S. P. 554

In Senate, January 6, 1970

The Committee on Appropriations and Financial Affairs suggested.

HARRY N. STARBRANCH, Secretary

Presented by Senator Sewall, of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
AND SEVENTY

AN ACT Making Deductions and Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971.

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 fourth quarter of the current fiscal year; and

Whereas, certain obligations and expenses incident to the operation of 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:

Appropriations for necessary expenditures of government. In order to provide for the necessary expenditures of government and for other purposes for the next two fiscal years—from July 1, 1969 to June 30, 1970 and from July 1, 1970 to June 30, 1971—the following sums or as much thereof as shall severally be found necessary, as designated in the following tabulations, are appropriated out of any moneys in the General Fund not otherwise appropriated. 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 of these appropriations and revenues accruing thereto, together with expenditures for other purposes necessary to the conduct of State Government on the basis of such allotments and not otherwise.

Allotments for personal services, capital expenditures and amounts for all other departmental expenses shall not exceed the amounts shown in the budget document or as they may be revised by the Committee on Appropriations and Financial Affairs unless recommended by the State Budget Officer and approved by the Governor and Council.

There is hereby established within the Contingent Account a fund to be known as the Institutional Reserve Fund which is defined as a vehicle to provide relief, when need exists, and on a commodity basis only to those institutions where actual average population in a fiscal year exceeds the basic estimates of population upon which the budget was approved and where such relief cannot be absorbed within regular legislative appropriations. The detailed breakdown of such fund shall be on file in the Budget Office. Transfers to the various institutions from this fund shall not exceed the total amount available to this account. Funds provided in this Reserve Fund are not to be transferred between Line Categories.

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 appropriations made for Personal Services are made with the provision that the total number of permanent positions in any account 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. Savings accruing within appropriations made for permanent positions, may be used for other non-recurring personal services when recommended by the department head and the Budget Officer, and approved by the Governor and Council. Said savings shall not be used for reclassifications, range changes or special merit increases, except in emergency cases and such requests may be authorized by the Personnel Board, subject to prior approval by the State Budget Officer that an emergency does exist and that such emergency cases shall be reported to the Legislative Finance Office by the State Budget Officer with his reasons for approval. To provide some degree of flexibility, each department, institution or agency may apply to the Personnel Board for an exchange between job classifications, and such action may be approved if by so doing the total amount determined to be available for Personal Services, in such account, for any one year is not exceeded.

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

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 each department, institution or agency.

The 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 should be denied.

No state department, institution or agency shall establish new programs or expand existing programs beyond the scope of the programs already established, recognized and approved by the Legislature, until such program and the method of financing shall be submitted to the Department of Finance and Administration—Budget Office—for evaluation and recommendation to the Legislature, and until funds are made available therefor by the Legislature.

The Budget Office shall inform the Committee on Appropriations and Financial Affairs through the Legislative Finance Office of significant action recommended by it in the performance of the budget responsibilities hereby assigned.

It is further provided that the Controller is authorized to close his books as soon as practicable after the close of the fiscal years ending June 30, 1970 and June 30, 1971. Any bills presented after those dates may be paid from appropriations for the ensuing year on recommendation of the Controller if within the amounts of approved allotments.

Whenever it appears to the Commissioner of Finance and Administration that the anticipated income of the State will not be sufficient to meet the expenditures authorized by the Legislature, he shall so report to the Governor and Council and they may temporarily curtail allotments equitably so that expenditures will not exceed the anticipated income.

The Commissioner of Finance and Administration, through the State Purchasing Agent or such other agent as he may choose, shall conduct a thorough review of all types of equipment owned, leased or otherwise available to the several departments and agencies of the State, regardless of the source of supporting funds, with the intention of combining their use, providing centralized facilities, or of eliminating existing equipment and facilities, as he believes to be in the most economical, most efficient and best interests of the State.

At the end of each fiscal year of the biennium, all unencumbered appropriation balances representing state moneys, except those that carry forward as provided by law, shall be lapsed to Unappropriated Surplus as provided by the Revised Statutes of 1964, Title 5, section 1544. At the end of each fiscal year of the biennium, all encumbered appropriation balances shall be carried forward to the next fiscal year, but in no event shall encumbered appropriation balances be carried more than once.

There shall be paid from the General Highway Fund the cost of accounting, auditing, purchasing and legal services furnished from the General Fund appropriations. This revenue shall be credited to the General Fund.

It is the intent of the Legislature that in the event matching federal funds are not available as anticipated for programs in this Act, there is no obligation to provide state funds in excess of the appropriations listed in this Act.

Personnel employed by programs partially funded by federal funds shall be considered limited appointment employees, notwithstanding the figures in parentheses representing numbers of employees, should federal funds be withdrawn or reduced.

It is intended that the language in this section shall apply to all other appropriation measures enacted by the Legislature.

GENERAL FUND

APPROPRIATIONS FROM GENERAL FUND

SECTION A

Department	1969-70	1970-71
ADJUTANT GENERAL		
Administration		
Personal Services	(-3) \$	(-4) \$ (11,120)
All Other		7,120
Funds Ass't. Adjutant General for air and provides money for contractual janitorial services — increase revenue \$10,000		
Military Fund		
All Other		(3,000)
Reduces workmen's comp pay- ment—not needed for 1970-71		
Total—Adjutant General		<hr/> (7,000)
AERONAUTICS, DEPARTMENT OF		
State Plane		
Unallocated Removes 1 Inspector		(11,180)
AGRICULTURE		
Agricultural Promotion		
All Other		(1,700)
Reduces appropriation for de- partment operations		
Control of Livestock Diseases		
All Other		(23,000)
Reduces appropriations for de- partment operations		

Department	1969-70	1970-71
AGRICULTURE—Continued		
Consumer Protection		
Personal Services		(7,155)
All Other	(-1)	(2,850)
Reduces 1 personnel count by 1 dairy inspector		
Markets		
Personal Services		(6,578)
Transfer seasonal employee to special Revenue Account		
Plant Industry		
All Other		(3,500)
Reduces appropriation for de- partment operations		
Total—Agriculture		<hr/> (44,783)
DEBT SERVICE—General Fund Bonds		
Debt Retirement		
All Other	(530,000)	(585,000)
Interest on Bonded Debt		
All Other	635,000	(524,322)
ECONOMIC DEVELOPMENT		
Personal Services	(-2) (9,929)	(-2) (19,858)
Removes two positions abol- ished in department reorganiza- tion		
EDUCATION		
Administration		
All Other		(12,500)
Reduces in-state and out-of-state travel and computer rentals		
Educational Television		
All Other		(500)
Reduces in-state travel		
Vocational Education—Administration		
All Other		(2,500)
Reduces in and out-of-state travel		
General Purpose Subsidies to Cities and Towns		
All Other	(225,000)	
Total—Education Dept.	<hr/> (225,000)	<hr/> (15,500)

Department	1969-70	1970-71
EXECUTIVE		
Federal-State Coordinator		
Capital	(300)	(300)
State Planning Office		
Water Resources Planning		
Unallocated		(4,134)
Removes funds for clerks position		
	<hr/>	<hr/>
Total—Executive Dept.	(300)	(4,434)
FINANCE AND ADMINISTRATION		
Accounts and Control		
All Other		(4,500)
Chap. 143, R. S., T. 5, Section 1547, amended. The 2nd paragraph of section 1547 of Title 5 of the Revised Statutes is repealed.		
Bureau of Public Improvements		
Leasing Office Space		
P & S Laws, 1969, Chapter 197, Section A, under caption "Finance and Administration", Dept. of; Bureau of Public Improvements, Administration be amended after the statement, "Provides funds for leasing office space", by adding the following sentence. At the end of the 1969-70 year any unencumbered balances in the above account shall carry into the 1970-71 fiscal year for the same purposes.		
Property Management Division		
Personal Services		(50,000)
Reduces funds for staff—building will not be completed until April 1971		
Bureau of Taxation		
Personal Service	(8)	(8)
Provides eight positions to operate electronic devices used for input of Income Tax data into the Computer		
	<hr/>	<hr/>
Total—Finance and Administration		(54,500)

Department	1969-70	1970-71
FORESTRY		
State Forest Nursery		
Personal Services	(6,315)	
All Other		(7,500)
Salary savings & increased price of nursery stock		
Forest Fire Control—Organized Towns		
Personal Services	(15,226)	
Capital		(30,000)
Salary savings & delay radio purchases		
Aid to Small Woodland Owners		
Personal Services	(23,696)	(1,937)
Salary savings & stop inspecting Christmas trees		
Entomology		
All Other	(6,337)	(6,337)
Removes funds for pest control compact		
	<hr/>	<hr/>
Total Forestry Department	(51,574)	(45,774)
HEALTH AND WELFARE		
Interstate Water Pollution Control		
All Other		(3,400)
Bureau of Social Welfare— Administration		
Personal Services	(-1)	(2,300)
Removes Clerk Typist I posi- tion abolished by department		
Jefferson Relief Camp		
Personal Services	(-6)	(39,835)
All Other		(21,392)
Capital		(1,900)
Phases out Jefferson Camp for the second year of the biennium		
Fairfield Sanatorium		
Personal Services	(20,000)	
Salary savings not needed		
	<hr/>	<hr/>
Total—Health & Welfare	(20,000)	(68,827)
INDIAN AFFAIRS		
Administration		
Personal Services	(-1)	(6,669)
All Other		50,000

Department	1969-70		1970-71	
INDIAN AFFAIRS—Continued				
Reduces one vacant social worker position & restores funds for operations				
INDUSTRIAL ACCIDENT COMMISSION				
Personal Services	(-2)	(10,800)	(-2)	(10,800)
Reduces two vacant positions				
INSURANCE				
Personal Services	(-1)	(17,000)	(-1)	(17,000)
All Other		(3,000)		
Reduces one vacant actuary position				
LAND USE REGULATORY COMMISSION				
Personal Services	(2)	—	(2)	—
Provides two count positions overlooked when funds were appropriated				
MENTAL HEALTH AND CORRECTIONS				
Probation and Parole Board				
Personal Services	(-5)	(16,782)	(-5)	(17,621)
All Other		(5,000)		(5,000)
Reduces five positions which could not be used for reason appropriated				
Bureau of Mental Retardation				
Personal Services			(2)	22,938
All Other				(3,118)
Capital				180
Provides for two employees for Bureau				
Bangor State Hospital				
All Other		20,000		60,000
Provides for additional drugs & professional fees				
Mental Retardation Unit				
Personal Services		(47,727)		(115,193)
All Other		(30,000)		(20,800)
Capital		(5,800)		
Unit will not open until 1971				
Funds not needed				
Overtime Payroll				
Personal Services				(100,000)

Department	1969-70	1970-71
MENTAL HEALTH AND CORRECTIONS—Continued		
Funds in 69-70 will take care of all overtime		
Salary Adjustments		
Personal Services	154,574	—
Provides payments to persons suffering reduction in pay at Institutions, retroactive to June 22, 1969. Any balance remaining June 30, 1970 shall carry into the 1970-71 fiscal year for the same purpose		
ELIGIBILITY RULES		
Recovery of moneys for employees who experience a loss in gross pay because of the change of hours upon the installation of the \$9 increase passed by the 104th Legislature.		
Amounts will be paid periodically, but not more frequently than quarterly.		
Eligibility to receive the lost amount expires or is reduced by a salary adjustment (merit increase, longevity increase, or promotional increase) equal to or greater than the gross loss.		
	_____	_____
Total—Mental Health and Corrections	69,265	(178,614)
MUNICIPAL SECURITIES APPROVAL BOARD		
Personal Services	(6,307)	(2,081)
Personal Services money not needed		
PARK AND RECREATION COMMISSION		
Administration		
Personal Services	(5,000)	(-2)
All Other		(47,963)
Removes money needed for operation new parks—bond issue for new parks was defeated		
Allagash Wilderness Waterway		
Personal Services		700
All Other		300

Department	1969-70	1970-71
PARK AND RECREATION COMMISSION—Continued		
To maintain winter supervision of Dam		
Total—Park and Recreation Commission	(5,000)	(51,713)
PUBLIC UTILITIES COMMISSION		
Administration		
Personal Services	(10,000)	(5,000)
Savings as a result of reorgani- zation		
TOTAL—ALL APPROPRI- ATIONS	(184,645)	(1,603,055)

SECTION B

Sec. 1. R. S., T. 4, § 4, amended. The first sentence of section 4 of Title 4 of the Revised Statutes, as amended by section 5 of chapter 412 of the public laws of 1965 and by section 3 of chapter 476 of the public laws of 1967, is further amended to read as follows:

The Justices of the Supreme Judicial Court shall each receive an annual salary of ~~\$20,000~~ \$22,000, and the Chief Justice of the Supreme Judicial Court shall receive an annual salary of ~~\$21,500~~ \$23,500.

Sec. 2. R. S., T. 4, § 102, amended. The first sentence of section 102 of Title 4 of the Revised Statutes, as repealed and replaced by section 3 of chapter 513 of the public laws of 1965 and as amended by section 4 of chapter 476 of the public laws of 1967, is further amended to read as follows:

Each of the Justices of the Superior Court shall receive an annual salary of ~~\$19,000~~ \$22,000.

Sec. 3. R. S., T. 4, § 157, amended. The 4th sentence of section 157 of Title 4 of the Revised Statutes, as repealed and replaced by section 5 of chapter 513 of the public laws of 1965 and amended by section 6 of chapter 476 of the public laws of 1967, is further amended to read as follows:

Each judge shall receive an annual salary of ~~\$15,000~~ \$17,000 and the Chief Judge shall receive an annual salary of ~~\$16,000~~ \$18,000.

Sec. 4. Appropriation. There is appropriated from the General Fund the sum of \$59,203 to carry out the purposes of this Act. The breakdown shall be as follows:

	1969-70	1970-71
SUPREME JUDICIAL AND SUPERIOR COURTS		
Personal Services	—	39,500
All Other	—	19,703
		<hr/> 59,203

DISTRICT COURTS

Personal Services	—	38,000
All Other	—	(38,000)

Sec. 5. Effective date. Section B of the Act shall become effective July 1, 1970.

SECTION C

Allocation. In addition to allocations made by the regular session of the 104th Legislature. From the proceeds of the sale of bonds for planning construction and equipment of pollution abatement facilities, from July 1, 1969 to June 30, 1970 and from July 1, 1970 to June 30, 1971, there shall be segregated, apportioned and expended as designated in the following schedule:

1969-70	1970-71
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ENVIRONMENTAL IMPROVEMENT COMMISSION

Municipal Sewerage		
All Other	A. 1,425,000	
	B. 10,900,000	
		B. 17,700,000

A. Remainder of 25 Million Dollar Bond Issue, chapter 235 private & special laws, 1963.

B. Out of New 50 Million Dollar Bond Issue, chapter 181, private & special laws, 1969.

Any unexpended balance shall not lapse, but shall be carried forward from year to year to be expended for the same purposes.

SECTION D

P. & S. L., 1961, c. 247, § 6, amended. The following sentences shall be added to section 6 of chapter 247 of the private and special laws of 1961:

The University of Maine for and in behalf of the educational television network of the State of Maine shall be authorized to use the unexpended balances in each of the categories of the original Act, said balances being in the amount of \$108,151.94, for the purposes of updating and modernizing the educational television facility. Any remaining balance in this account on June 30, 1971 shall lapse to the State of Maine General Fund Surplus.

SECTION E

P. L., 1969, c. 468, § 3, additional. Chapter 468 of the public laws of 1969 is amended by adding a new section as follows:

Sec. 3. Effective date. This Act shall be retroactive to July 1, 1969.

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