

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 389

H. P. 289

House of Representatives, January 27, 1971

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Tanguay of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT to Allocate Moneys for the Administrative Expenses of the State Liquor Commission for the Fiscal Years Ending June 30, 1972 and June 30, 1973.

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 Liquor Commission will become due and payable on or immediately after July 1, 1971; 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 Liquor Commission Fund. In order to provide for the necessary expenses for operation and administration of the Maine State Liquor Commission, the following amounts, or as much as may be necessary, are allocated from the revenues derived from the operations of the commission:

	1971-72	1972-73
Personal Services	(353) \$2,466,592	(353) \$2,488,193
All Other	1,092,553	1,097,346
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	\$3,559,145	\$3,585,539

Amounting to \$3,559,145 for the fiscal year ending June 30, 1972 and \$3,585,539 for the fiscal year ending June 30, 1973.

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. 2. 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 administrative expenses only of the Liquor Commission and that such allocations shall be allotted and approved under provisions of the Revised Statutes, Title 5, chapters 141 to 155. It is not intended to affect the use of the Working Capital, provided for by the Revised Statutes, Title 28, section 56, or other activities required of the State Liquor Commission by the Revised Statutes, Title 28.

It is further the intent of the Legislature that 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 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 personal services when recommended by the department head and the Budget Officer, and approved by the Governor and Council. 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, and also providing that certification is made, in writing, that such action will not result in an increased request for Personal Service moneys from the Legislature.

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.

Personal Service allocations of the Liquor Commission may be increased 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.

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.

Sec. 3. Exclusion. Exclusive of the provisions of sections 1 and 2 above, the commission may expend up to \$50,000 for Capital Expenditures in each year of the 1971-72 and 1972-73 biennium.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect July 1, 1971.

STATEMENT OF FACT

This Act would allocate money to cover the administrative cost of the State Liquor Commission for the next biennium, including an allocation of the Liquor Commission fund of \$7,144,684 and a statement of legislative intent describing certain budget and personnel procedures to be followed.