

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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**Legislative Document**

**No. 1650**

H. P. 1199

House of Representatives, March 17, 1971

Referred to Committee on Transportation. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Dudley of Enfield.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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**AN ACT Regulating the General Highway Fund.**

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

Whereas, limitations upon certain accounts within the General Highway Fund are urgently needed; and

Whereas, more stringent controls upon transfers from one account to another within the General Highway Fund are urgently needed; and

Whereas, controls upon equipment rental charges by the Highway Department are urgently needed; 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:

**R. S., T. 23, § 1652, repealed and replaced.** Section 1652 of Title 23 of the Revised Statutes is repealed and the following enacted in place thereof:

**§ 1652. Unexpended balances**

**1. General construction and maintenance of highways and bridges account.** Such unexpended balances of the General Highway Fund as have been set up in an account for general construction and maintenance of highways and bridges shall be deemed a nonlapsing carrying account.

2. **Highway garage; working capital account.** Such funds as have been set up in the Highway Garage Fund, now being reflected on the ledgers of the State Controller as Account Number 72045, Autos and Working Equipment, shall be limited to a maximum of \$12,500,000, and any excess shall be transferred at the end of each fiscal year into the General Highway Fund Surplus Account. There shall be no advance or transfer into the Highway Garage Fund from any account except upon the prior approval of the Legislature.

A. **Equipment charges.** Rental charges for state highway equipment shall not be changed from the established rates therefor existing on January 1, 1971, without the prior approval of the Legislature.

3. **Lapsing accounts.** Any unexpended and unencumbered balances in all other accounts shall lapse into the General Highway Fund Surplus Account at the end of each fiscal year.

A. **Maximum General Highway Fund Surplus Account.** The General Highway Fund Surplus Account may not exceed \$1,000,000 at the beginning of each fiscal year. At that time, any amount in excess of that maximum shall be transferred to a Debt Service Account for the purpose of liquidating highway bonds.

4. **Account transfers.** Transfers from one account of the General Highway Fund to another account thereof shall be made only with the approval of the Governor and Council, but in no case shall any permanent transfer be made except for purposes specifically provided for by appropriate legislative acts for the expenditures of the General Highway Fund.

5. **New accounts.** New accounts within the General Highway Fund shall not be established without prior legislative approval.

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

#### STATEMENT OF FACT

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