

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1865

S. P. 682

In Senate, June 23, 1971

Reported by Senator Sewall of Penobscot from Committee on Appropriations and Financial Affairs and printed under Joint Rules No. 18.

HARRY N. STARBRANCH, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Making Additional Appropriations for the Expenditures of State Government and for Other Purposes 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 departments and institutions 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:

Appropriations for necessary expenditures of government. In order to provide for necessary expenditures of government and for other purposes for the next 2 fiscal years—from July 1, 1971 to June 30, 1972 and from July 1, 1972 to June 30, 1973—the following sums or as much thereof as shall severally be found necessary, as designated in the following tabulation, 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 amount 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.

The Governor and Executive Council shall not approve any allocation of funds for a department by which funds are transferred from one quarter to another, when the transfer will result in a request for a deficiency appropriation at a special or regular session of the Legislature.

The figures in parentheses shown just before each dollar amount provided for Personal Services in this Act, or as adjusted by legislative action, shall represent the total 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 nonrecurring 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 made 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 next Legislature. Copies of all Personnel Board action relating to such changes shall be furnished to the Legislative Finance Office.

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 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.

The Governor and the Budget Officer when next preparing a Budget Document may at their discretion adjust the figures in parentheses, representing

numbers of permanent employees to reflect the number of employees which in their opinion is necessary to the proper operation of each department, institution or agency.

The State Purchasing Agent is directed to require that requisitions for replacement motor vehicles include the age and total mileage of the motor vehicles being replaced. For the purposes of this paragraph, motor vehicles are defined as passenger cars, panel and pickup trucks, excluding those vehicles operated by the State Police. It is the intent of the Legislature that motor vehicles shall have been in service for at least 5 years or 50,000 miles before they are replaced. This policy shall also be adopted by the Budget Officer when next preparing a Budget Document. Exceptions to the established replacement policy shall require the prior approval of the Governor and Council.

No state department, institution or agency shall establish new programs or expand existing programs beyond the scope of those 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.

It is the intent of the Legislature that out-of-state travel be limited. Any State employee who travels out-of-state on State business (such as law enforcement, collecting, bidding, industrial or recreational development, loans, etc.) may continue to do so.

However, the Legislature is concerned about the increase in out-of-state travel and because of the State's financial circumstances, the Legislature directs that department heads hold down cost of all travel where it is not absolutely needed.

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, 1972 and June 30, 1973. 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 intent 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	1971-72		1972-73	
AGRICULTURE, DEPARTMENT OF				
Agricultural Promotions				
Personal Services	(1)	\$ 7,696	(1)	\$ 7,857
All Other		2,767		2,767
Restores 1 position and All Other funds reduced in L. D. 1577, P. & S. Chap. 91, 1971. The reductions should have been in Markets account.				
Markets				
Personal Services	(-1)	(7,696)	(-1)	(7,857)
All Other		(2,767)		(2,767)
Reduces 1 position and All Other funds restored to Agricultural Promotions account.				

Department	1971-72		1972-73	
AGRICULTURE, DEPARTMENT OF—continued				
Animal Industry				
Personal Services	(1)	10,920	(1)	11,180
Restores 1 position reduced in L. D. 1577, P. & S. Chap. 91, 1971. Reduction should have been in Control of Livestock Disease account.				
Control of Livestock Disease				
Personal Services	(-1)	(10,920)	(-1)	(11,180)
Reduces 1 position restored to Animal Industry account.				
Consumer Protection				
Personal Services	(2)	27,004	(2)	28,000
All Other		6,000		6,116
Provides funds to continue the Meat Inspection Program.				
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TOTAL DEPARTMENT OF AGRICULTURE		\$ 33,004		\$ 34,116
HEALTH AND WELFARE, DEPARTMENT OF				
Aid to Charitable Institutions				
Holy Innocents' Home				
All Other		\$ 1,500		\$ 1,500
St. Andre's Home and Hospital				
All Other		1,500		1,500
St. Elizabeth's Asylum				
All Other		1,500		1,500
St. Louis Home and School for Boys				
All Other		2,000		2,000
Provides increased State Funds				
		<hr/>		<hr/>
TOTAL CHARITABLE INSTITUTIONS		\$ 6,500		\$ 6,500
Bureau of Social Services—Administration				
Personal Services			(-4)	(9,907)
All Other				(1,684)
Phases out state funds in Andros-coggin County Food Stamp Program.				

Department		1971-72		1972-73
HEALTH AND WELFARE, DEPARTMENT OF—continued				
Bureau of Health—Administration				
Personal Services	(-13)	(94,163)	(-13)	(98,871)
All Other		(17,490)		(17,490)
Consolidation of administrative accounts.				
Bureau of Social Services—Administration				
Personal Services	(1)	7,203	(1)	7,563
All Other		500		500
Transfer from Bureau of Health—Administration				
Administrative Services				
Personal Services	(10)	76,638	(10)	80,470
All Other		16,990		16,990
Transfer from Bureau of Health—Administration				
Medical Care Administration				
Personal Services	(2)	10,322	(2)	10,838
Transfer from Bureau of Health—Administration				
TOTAL DEPARTMENT OF HEALTH AND WELFARE		\$ 6,500		\$ (5,091)
DISTRICT COURTS				
Administration				
Unallocated		\$145,855		\$144,300
Provides additional funds for expenses due to new law changes.				
Increases Undedicated Revenue, \$145,855 in 1971-72 and \$144,300 in 1972-73.				
FINANCE AND ADMINISTRATION				
Bureau of Taxation				
Personal Services		—	(1)	—
Adds 1 position count omitted in L. D. 1811.				
MUNICIPAL VALUATION APPEALS BOARD				
Personal Services		\$ 1,500		\$ 1,000
All Other		1,000		1,000
Provides additional funds needed to carry on duties assigned to the Board by law.				

Department	1971-72	1972-73
PARK AND RECREATION COMMISSION		
Administration		
Personal Services	(1) —	(1) —
Adds 1 position count omitted in L. D. 1577, P. & S. Chap. 91, 1971.		
PLANNING OFFICE, STATE		
Water Resources Planning		
Personal Services	\$(20,000)	\$(20,000)
All Other	20,000	20,000
L. D. 1577, P. & S. Chap. 91, 1971 appropriated funds in Personal Services in error. To reduce Per- sonal Services and place funds in All Other.		
SEA AND SHORE FISHERIES, DEPARTMENT OF		
Administration		
Personal Services	\$ (4,041)	\$ (6,463)
To reduce Personal Services funds appropriated in L. D. 1577, P. & S. Chap. 91, 1971 due to estimated retirement of eligible employees. Increase Undedicated Revenue \$10,000 each year due to revised estimates.		
Administration		
Personal Services	(7,275)	(9,697)
To reduce Personal Services funds appropriated to the Department in L. D. 1231 in error. Funds should have been appropriated to State Employee's Retirement Account.		
TOTAL DEPARTMENT OF SEA AND SHORE FISHERIES	(\$ 11,316)	(\$ 16,160)
SECRETARY OF STATE		
Administration		
Personal Services	(1) \$ 9,325	(1) \$ 9,767
Capital Expenditures	500	—
Provides funds for part-time and seasonal help, plus 1 full-time Typist II. Funds reclassification of 1 Typist II to Typist III.		

Department	1971-72	1972-73
ELECTION DIVISION		
Personal Services	\$ 16,800	\$ 2,000
All Other	63,200	13,000
Provides funds for cost of referendum elections.		
TOTAL SECRETARY OF STATE	\$ 89,825	\$ 24,767
STATE EMPLOYEE'S RETIREMENT		
Retirement Allowance Fund		
All Other	\$ 7,275	\$ 9,697
To fund L. D. 1231. Funds were appropriated to Sea and Shore Fisheries in error.		
VETERANS SERVICES, DEPARTMENT OF		
Veterans Memorial Cemetery		
Personal Services	(2) \$ 4,009	(2) \$ 4,166
All Other	1,000	1,000
Capital Expenditures	2,000	—
Provides funds for year around cemetery operations and to keep cemetery open evenings and weekends in warm season. Capital Expenditures provides for the purchase of a used heavy duty tractor.		
Maine Society—Sons of the American Revolution		
All Other	300	—
Provides a grant for grave markers.		
TOTAL DEPARTMENT OF VETERANS SERVICES	\$ 7,309	\$ 5,166
Legislative Document	Title	
284	AN ACT Relating to Benefits for Widows of Coastal Wardens and Fish and Game Wardens	\$ 6,766 \$ 6,766
421	AN ACT Relating to School Construction Aid	— 147,600

Legislative Document	Title		
479	RESOLVE, Providing a Minimum Service Retirement Allowance Under the State Retirement Law for Ernest F. Miller	877	—
480	RESOLVE, Providing a Minimum Service Retirement Allowance Under the State Retirement Law for Grace V. Pullen	3,310	—
746	AN ACT to Remove the Numerical Exemption from the Minimum Wage Law.	—	\$ 18,416
834	AN ACT to Remove Remarriage Restriction on Survivor Benefit Payments under State Retirement System	1,320	1,320
1070	RESOLVE, Relating to Retirement and Pension of Norman F. Hanson of Eliot	668	668
TOTAL SECTION A		\$293,893	\$373,565

SECTION B

APPROPRIATIONS FROM UNAPPROPRIATED SURPLUS OF
GENERAL FUND

	1971-72	1972-73
Debt Service—General Fund Bonds		
Interest		
All Other	\$37,500	\$73,187
Provides funds for interest on temporary MIBA loans to be bonded.		
Debt Retirement	—	72,500
Provides funds for debt service on temporary MIBA loans to be bonded.		
TOTAL SECTION B	\$37,500	\$145,687

SECTION C

Sec. 1. P. & S. L., 1967, c. 191, Section B, amended. That portion of Section B of chapter 191 of the private and special laws of 1967 under the caption

"Indian Affairs, Department of" providing funds for Penobscot Reservation—Water and Sewerage Facilities shall not lapse but shall carry forward to June 30, 1973 to be expended for the same purposes.

Sec. 2. P. & S. L., 1969, c. 121, Section A, amended. That portion of Section A of chapter 121 of the private and special laws of 1969 under the caption "Finance and Administration, Department of" providing funds for the Cultural Building Moving Fund shall not lapse, but shall remain a carrying account until June 30, 1972 to be used for completion of moving and incidental expenses in connection with the occupancy and use of the facility.

Sec. 3. P. & S. L., 1969, c. 154, Section A, amended. That portion of Section A of chapter 154 of the private and special laws of 1969 under the caption "Executive Department" providing funds for the purpose of preparing a history of the Blaine House shall not lapse, but shall remain a carrying account until June 30, 1973.

Sec. 4. P. & S. L., 1969, c. 242, amended. Chapter 242 of the private and special laws of 1969 is amended by inserting after the first sentence the following sentence:

Any balance remaining at June 30, 1971 shall not lapse but shall carry forward to June 30, 1973 to be expended for the same purposes.

Sec. 5. P. & S. L., 1971, c. 92, § 3, amended. Section 3 of chapter 92 of the private and special laws of 1971 is repealed and the following enacted in place thereof:

Sec. 3. Exclusion. Exclusive of sections 1 and 2, the commission may expend up to \$75,000 in 1971-72 and \$50,000 in 1972-73 for Capital Expenditures.

Sec. 6. P. & S. L., 1971, c. 105, Section D, amended. Section D of chapter 105 of the private and special laws of 1971 is amended by adding at the end the following new paragraph:

Any unexpended balances in Sections C and D as of June 30, 1972 shall not lapse but shall carry forward to June 30, 1973 to be expended for the same purposes.

Sec. 7. P. & S. L., 1971, c. 105, Section E, § 2, amended. The last paragraph of section 2 of Section E of chapter 105 of the private and special laws of 1971 is amended to read as follows:

Removes from Activity 045, \$15,000 each year from All Other. Transfers 3 4 positions plus ~~\$29,215~~ \$36,866 in 1971-72 and ~~\$29,450~~ \$37,454 in 1972-73 abolishing a 1 position position plus \$44,003 All Other each year to Forestry.

Sec. 8. P. & S. L., 1971, c. 117, Section A, amended. That part of Section A of chapter 117 of the private and special laws of 1971 which pertains to "STATE EMPLOYEES' SALARIES" is amended by inserting before the last paragraph the following new paragraph:

Unclassified employees shall receive no more than the 11½% increase which is the average increase under the state employees' pay plan. The authority

responsible for establishing the pay of the unclassified employee shall see that the above 11½% average is not exceeded for the year 1971-72.

Sec. 9. P. L., 1971, c. 439, § 27, amended. The first sentence of section 27 of chapter 439 of the public laws of 1971 is amended to read as follows:

This Act shall take effect on January 1, 1972, except that section 28, Appropriation, shall become effective 91 days after adjournment of the Legislature.

Sec. 10. Effective date. Sections 5, 6 and 7 of Section C shall become effective July 2, 1971.

SECTION D

The Bureau of Public Improvements shall make full use of the new Cultural Building for state department office space on a temporary basis. It is the intent of the Legislature that any additional office space needed shall come from existing office space and no new leasing of office space shall take place during the next biennium.

SECTION E

Sec. 1. R. S., T. 30, § 5055, sub-§ 2, amended. The last paragraph of subsection 2 of section 5055 of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 478 of the public laws of 1971, is repealed as follows:

~~An amount equal to 4% of the estimated revenue received from taxes, the sales and use taxes collected under Title 36, Part 3, and the income taxes collected under Title 36, Part 8, shall be appropriated to the Local Government Fund.~~

Sec. 2. Effective date. Section 1 of Section E shall become effective 91 days after adjournment of the Legislature.

Sec. 3. P. L., 1971, c. 478, § 3-A, additional. Chapter 478 of the public laws of 1971 is amended by inserting after section 3 the following section:

Sec. 3-A. Effective date. Section 3 shall become effective December 2, 1971.

SECTION F

It is hereby determined and declared to be the intent of this Legislature that any increase in the gasoline tax that may have been or may be made by this Legislature meeting in its regular session shall take effect on July 1, 1971. No interpretation of the Act raising such tax shall be made to the contrary.

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