

MAINE STATE LEGISLATURE

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D. OF R.

1

L.D. 2143

(Filing No. S-475)

2

STATE OF MAINE

3

SENATE

4

110TH LEGISLATURE

5

SECOND REGULAR SESSION

6

SENATE AMENDMENT "A" to H.P. 2369, L.D. 2143, Bill,

7

"AN ACT Making Appropriations and Allocations for the

8

Expenditures of State Government and Changing Certain

9

Provisions of the Law Necessary to the Proper Operations

10

of State Government for the Fiscal Year Ending June 30,

11

1982."

12

Amend the bill by striking out everything after the

13

title and inserting in its place the following:

14

'Emergency preamble. Whereas, Acts of the Legislature

15

do not become effective until 90 days after adjournment

16

unless enacted as emergencies; and

17

Whereas, the 90-day period may not terminate until

18

after the beginning of the next fiscal year; and

19

Whereas, certain obligations and expenses incident to

20

the operation of state departments and institutions will

21

become due and payable immediately; and

22

Whereas, in the judgment of the Legislature, these

23

facts create an emergency within the meaning of the Consti-

24

tution of Maine and require the following legislation as

25

immediately necessary for the preservation of the public

26

peace, health and safety; now, therefore,

27

Be it enacted by the People of the State of Maine as follows:

28

PART A

29

Sec. 1. Appropriations from General Fund. In order to

30

provide for necessary expenditures of State Government and

31

other purposes for the fiscal year ending June 30, 1982, the

32

following sums, as designated in the following tabulations,

33

are appropriated out of any moneys in the General Fund not

34

otherwise appropriated.

1 SENATE AMENDMENT "A" to H.P. 2369, L.D. 2143

2 **Sec. 2. Allotments required.** Upon receipt of allot-
3 ments duly approved by the Governor based upon work pro-
4 grams submitted to the State Budget Officer, the State Con-
5 troller shall authorize expenditures of these appropria-
6 tions, together with expenditures for other purposes neces-
7 sary to the conduct of State Government on the basis of
8 these allotments and not otherwise. Allotments for Personal
9 Services, Capital Expenditures and amounts for All Other
10 departmental expenses shall not exceed the amounts shown in
11 the budget document or as they may be revised by the joint
12 standing committee having jurisdiction over appropriations
13 and financial affairs, unless recommended by the State Bud-
14 get Officer and approved by the Governor in accordance with
15 established law.

16 **Sec. 3. Personal Services appropriation.** The figures
17 in parentheses shown above each dollar amount provided for
18 Personal Services in this Act, or as adjusted by legislative
19 action, shall represent the total number of permanent posi-
20 tions at any one time. The appropriations made for Personal
21 Services are made with the provision that the total number
22 of permanent positions in any account shall not be increased
23 during either year of the biennium over the total numbers
24 shown in parentheses and used by the Legislature in comput-
25 ing the total dollars to be made available for Personal Ser-
26 vices.

27 Savings accruing within appropriations made for perma-
28 nent positions may be used for nonrecurring Personal Ser-
29 vices or retirement costs when recommended by the department
30 head and approved by the State Budget Officer.

31 The amounts appropriated for Personal Services include
32 funds for the state's share of state employees retirement.
33 The State Controller shall transfer the state's share to the
34 Maine State Retirement System as soon as practicable after
35 each payroll is paid.

36 **Sec. 4. Personal Services policy and review.** The
37 Bureau of the Budget, during this biennium, shall continu-
38 ally review with all departments the status of their man-
39 power levels and staffing patterns for the purpose of deter-
40 mining whether funds and positions are being utilized and
41 managed in the most economical and efficient manner to ac-

1 SENATE AMENDMENT "A" to H.P. 2369, L.D. 2143

2 accomplish the intent of the Legislature. Permanent positions
3 for which funds are appropriated or allocated shall be clas-
4 sified positions, unless specifically designated otherwise
5 by the Legislature. It shall be the responsibility of the
6 Commissioner of Personnel and the State Budget Officer to
7 ensure that classified and unclassified positions are
8 assigned to a proper pay grade within authorized funds.

9 **Sec. 5. Personal Services flexibility.** Any classifi-
10 cation or reclassification of a position and any allocation
11 or reallocation of a position within the compensation plan
12 made by the Commissioner of Personnel pursuant to the Per-
13 sonnel Law and rules shall become effective on the first day
14 of the fiscal year following approval by the State Budget
15 Officer, and the appropriation of funds therefor, except
16 that the State Budget Officer may, if he determines that
17 sufficient funds exist, authorize an effective date prior to
18 the first day of the ensuing fiscal year. Copies of all ac-
19 tions and certifications shall be furnished to the Legis-
20 lative Finance Officer.

21 **Sec. 6. Merit rating required.** It is declared to be
22 the policy of the State that in those instances where annual
23 merit increases are earned and warranted as evidenced by the
24 performance appraisals, they shall be awarded. In those
25 instances where these increases are not earned and war-
26 ranted, they shall be denied.

27 In furtherance of this policy, the Commissioner of Per-
28 sonnel, utilizing a form or forms prescribed by the commis-
29 sioner, is directed to require annual merit ratings on all
30 employees, regardless of whether or not any such employee is
31 eligible or recommended for a merit increase. The form or
32 forms prescribed by the commissioner, in addition to a per-
33 formance appraisal section, shall include a section wherein
34 each probationary employee's supervisor shall indicate the
35 extent to which the employee has been oriented to the duties
36 and responsibilities of his position. In every instance
37 where an employee is not awarded a merit increase, a record
38 of the reasons therefor and the actions recommended by the
39 employee's supervisor to correct deficiencies, if any, shall
40 be recorded in the performance appraisal.

41 The Commissioner of Personnel is also directed to
42 develop and install a training program for supervisory per-

1 SENATE AMENDMENT "A" to H.P. 2369, L.D. 2143

2 sonnel, including appropriate guides and manuals, which
3 shall ensure that all evaluators charged with the responsi-
4 bility of doing employee merit ratings shall do so fairly
5 and equitably, one employee to the next and one organiza-
6 tional unit to another.

7 The Commissioner of Personnel shall supply to the State
8 Personnel Board all data necessary to monitor and evaluate
9 the performance appraisal system, including data regarding
10 the percentage and distribution of merit increases. The
11 board, pursuant to its powers under the Revised Statutes,
12 Title 5, section 592, shall review the operation of the per-
13 formance evaluation system and make such recommendations and
14 render such advice to the Commissioner of Personnel as may
15 be necessary to carry out the purposes of this Act.

16 The Commissioner of Personnel shall forward to the
17 joint standing committee of the Legislature having jurisdic-
18 tion over State Government the findings and recommendations
19 of the State Personnel Board, annually, prior to the start
20 of the legislative session.

21 **Sec. 7. Number of necessary employees.** The Governor
22 and the State Budget Officer when next preparing budget pro-
23 posals for the Legislature may, at their discretion, adjust
24 the figures in parentheses, representing numbers of perma-
25 nent positions, to reflect the number of positions which, in
26 their opinion, are necessary to the proper operation of each
27 department, institution or agency.

28 **Sec. 8. New or expanded programs.** No department may
29 establish new programs or expand existing programs beyond
30 the scope of those programs already established, recognized
31 and approved by the Legislature, until the program and the
32 method of financing are submitted to the Bureau of the Bud-
33 get for evaluation and recommendation to the Legislature and
34 until funds are made available therefor by the Legislature.

35 **Sec. 9. Federally-funded programs.** It is the intent
36 of the Legislature that, in the event federal funds are not
37 available as anticipated for programs in this Act, there is
38 no obligation to provide state funds in excess of the appro-
39 priations listed in this Act. Positions entirely or par-
40 tially funded by federal or other than state sources of
41 funds shall be considered as limited-period positions, not-

1 SENATE AMENDMENT "A" to H.P. 2369, L.D. 2143

2 withstanding the figures in parentheses representing numbers
3 of employees, should these funds be withdrawn or reduced.

4 **Sec. 10. Travel limitations.** It is the intent of the
5 Legislature that out-of-state travel be limited. Any state
6 employee who travels out-of-state on state business, such as
7 law enforcement, collecting, bidding, industrial development
8 or loans, may continue to do so. The Legislature directs
9 that department heads hold down cost of all travel where it
10 is not absolutely needed. Any state employee who travels
11 in-state shall not be reimbursed for noon meals, unless the
12 meal is part of an organized meeting or program or overnight
13 travel.

14 **Sec. 11. Equipment to be reviewed.** The Commissioner
15 of Finance and Administration, through the State Purchasing
16 Agent or such other agent as he may choose, shall conduct a
17 thorough review of all types of equipment, owned, leased or
18 otherwise available to the several departments and agencies
19 of the State, regardless of the source of supporting funds,
20 combining their use, providing centralized facilities or
21 eliminating existing equipment and facilities, as he
22 believes to be in the most economical, most efficient and
23 best interests of the State. The Commissioner of Finance
24 and Administration may develop and institute such review and
25 control mechanisms as are necessary to ensure that capital
26 equipment purchases authorized by the Legislature are con-
27 sistent with the intent for which funds were recommended and
28 made available.

29 **Sec. 12. Motor vehicle replacement policy.** The State
30 Purchasing Agent is directed to require that requisitions
31 for replacement motor vehicles include the age and total
32 mileage of the motor vehicle being replaced. For the pur-
33 poses of this section, motor vehicles are defined as passen-
34 ger cars, and panel and pickup trucks, excluding those vehi-
35 cles authorized and assigned for pursuit purposes. Under no
36 circumstances are any state vehicles to be used primarily
37 for commuting purposes. It is the intent of the Legislature
38 that motor vehicles shall have been in service for at least
39 5 years or 75,000 miles before they are replaced. This
40 policy shall also be adopted by the State Budget Officer
41 when next preparing a budget document. Exceptions to the
42 established replacement policy shall require the prior
43 approval of the Commissioner of Finance and Administration.

1 SENATE AMENDMENT "A" to H.P. 2369, L.D. 2143

2 The Commissioner of Finance and Administration may also set
3 appropriate standards with regard to motor vehicle type, size
4 and equipment, and direct that all motor vehicles be pur-
5 chased in accordance with an established commodity calendar.

6 **Sec. 13. Significant action recommended by the State**
7 **Budget Officer.** The Bureau of the Budget shall inform the
8 joint standing committee having jurisdiction over appropri-
9 ations and financial affairs through the Legislative Finance
10 Office of significant action recommended by the bureau in
11 the performance of the budget responsibilities assigned.

12 **Sec. 14. State Cost Allocation Program.** The State
13 Cost Allocation Program shall annually identify the kind and
14 cost of central services furnished to each state agency from
15 General Fund appropriations. The non-General Fund portion
16 of each agency shall be assessed for these services as
17 determined by the State Cost Allocation Program procedures
18 to the extent the payments are not expressly prohibited by
19 state or federal law or by the terms of a gift or donation
20 made to the State from private sources. These payments
21 shall be credited to the General Fund as undedicated reve-
22 nue. The State Budget Officer may adjust this assessment to
23 any individual account.

24 **Sec. 15. Year-end closing.** The State Controller may
25 close the books as soon as practicable after the close of
26 the fiscal year ending June 30, 1982. Any bills presented
27 after those dates may be paid from appropriations for the
28 ensuing year on recommendation of the State Controller if
29 within the amounts of approved allotments.

30 **Sec. 16. Appropriation balances at year end.** At the
31 end of each fiscal year, all unencumbered appropriation bal-
32 ances representing state moneys, except those that carry
33 forward as provided by law, shall lapse to Unappropriated
34 Surplus as provided by the Revised Statutes, Title 5,
35 section 1544. At the end of each fiscal year, all encum-
36 bered appropriation balances shall not be carried more than
37 once, except in those accounts which carry forward from year
38 to year by law.

39 **Sec. 17. Other appropriation measures.** It is intended
40 that the language in the preceding sections of this Act
41 shall apply to all other appropriation measures enacted by

1 SENATE AMENDMENT "A" to H.P. 2369, L.D. 2143
2 the Legislature.

3 PART B

4 APPROPRIATIONS FROM
5 GENERAL FUND

6 1981-82

7 CORRECTIONS, DEPARTMENT OF

8 Correctional Improvement Pro-
9 gram

10 All Other \$ 156,761
11 Provides funds to house
12 inmates in county jails.

13 Maine Youth Center

14 All Other 40,000
15 Provides funds to pay
16 medical and hospital
17 bills.

18 Maine State Prison

19 Personal Services 339,058
20 All Other 18,772
21 Provides funds for pro-
22 gram needs and to reduce
23 overtime.

24

25 CORRECTIONS, DEPARTMENT OF

26 Total \$ 554,591

27 DEFENSE AND VETERANS' SERVICES,
28 DEPARTMENT OF

29 Military, Training and Opera-
30 tions

D. OF R.

1 SENATE AMENDMENT "A" to H.P. 2369, L.D. 2143

2 All Other \$ 45,000

3 To provide funds for
4 workers' compensation
5 claims.

6 Bureau of Civil Emergency
7 Preparedness

8 All Other 6,000
9 To provide 50% state
10 match for workers' com-
11 pensation claims.

12 Veterans' Memorial Cemetery

13 All Other 12,000
14 To provide funds for
15 workers' compensation
16 claims.

17 DEFENSE AND VETERANS' SERVICES
18 DEPARTMENT OF

19 Total \$ 63,000

20 EXECUTIVE DEPARTMENT

21 Contract Administration

22 All Other \$ 82,000
23 To fund reclassification
24 arbitration, fact find-
25 ing, mediation and other
26 related costs.

27 Contingent Account:

28 Unallocated 75,000
29 Provides funds to par-
30 tially replenish the ac-
31 count.

1 SENATE AMENDMENT "A" to H.P. 2369, L.D. 2143

2 State Development Office

3 All Other 37,944

4 To provide funding for
5 the Washington office.

6 _____

7 EXECUTIVE DEPARTMENT

8 Total \$ 194,944

9 FINANCE AND ADMINISTRATION,
10 DEPARTMENT OF

11 Building and Grounds Operation

12 All Other \$ 340,000

13 Provides funds needed
14 for increased electric-
15 ity and utility costs.

16 _____

17 FINANCE AND ADMINISTRATION,
18 DEPARTMENT OF

19 Total \$ 340,000

20 LABOR, DEPARTMENT OF

21 Personal Services \$ 4,059

22 To provide funds to
23 maintain the salaries of
24 3 new positions author-
25 ized by Public Law 1981,
26 chapter 512.

27 _____

28 LABOR, DEPARTMENT OF

D. OF R.

1	SENATE AMENDMENT "A" to H.P. 2369, L.D. 2143	
2	Total	\$ 4,059
3	<u>LEGISLATIVE DEPARTMENT</u>	
4	Personal Services	\$ 100,000
5	All Other	100,000
6		<hr/>
7	LEGISLATIVE DEPARTMENT	
8	Total	\$ 200,000
9	<u>MARINE RESOURCES,</u>	
10	<u>DEPARTMENT OF</u>	
11	Bureau of Marine	
12	Development	
13	All Other	\$ 7,000
14	Provides funds to pay	
15	medical and hospital	
16	costs incurred under	
17	workers' compensation.	
18		<hr/>
19	MARINE RESOURCES,	
20	DEPARTMENT OF	
21	Total	\$ 7,000
22	<u>MENTAL HEALTH AND MENTAL</u>	
23	<u>RETARDATION, DEPARTMENT OF</u>	
24	Pineland Center	
25	All Other	100,000
26	Provides funds to pay	
27	for legal fees and work-	
28	ers' compensation	
29	claims.	<hr/>

1 SENATE AMENDMENT "A " to H.P. 2369, L.D. 2143

2 MENTAL HEALTH AND MENTAL
3 RETARDATION, DEPARTMENT OF

4 Total \$100,000

5 TOTAL PART B \$1,463,594

6 PART C

7 Sec. 1. Basic elementary and secondary per pupil oper-
8 ating rate. The basic elementary per pupil operating rate
9 for 1982-83 shall be \$1,290 and the basic secondary per
10 pupil rate for 1982-83 shall be \$1,647.

11 Sec. 2. Basic education allocation. The basic alloca-
12 tion of state and local funds for 1982-83 for the purposes
13 listed in this section shall be as follows:

14	1. Elementary and secondary operating costs	\$300,908,000
15	Alternate program costs	1,000,000
16	2. Special education for programs operated by	
17	the administrative units	16,272,002
18	3. Special education tuition and board,	
19	excluding medical costs	
20	A. For pupils placed by administrative	
21	units	5,364,127
22	B. Adjustment under the Revised	
23	Statutes, Title 20, section 4749,	
24	subsection 6	400,000
25	4. Vocational education costs	10,427,661
26	5. Transportation costs	
27	A. Operation	26,671,214
28	B. Purchase of buses	4,000,000
29	6. Debt service costs	
30	A. Principal and interest	29,000,000
31	B. Insured value factor	326,217
32	C. Approved leases	<u>525,000</u>

1 SENATE AMENDMENT "A" to H.P. 2369, L.D. 2143

2	Subtotal	\$394,894,221
3	Less United States Public Law, chapter 874	<u>1,800,000</u>
4	Total	\$393,094,221

5 **Sec. 3. Subsidy index.** This section establishes the
6 mill rate at 8.55

7 **Sec. 4. Appropriations.** The appropriations provided
8 by Public Law 1981, chapter 316, as adjusted by Part B of
9 this Act, for General Purpose Aid for Local Schools for the
10 fiscal year beginning July 1, 1982, and ending June 30,
11 1983, were calculated as follows:

12	1. State allocation	\$212,152,951
13	2. Maximum state share of local leeway	8,292,260
14	3. Unusual enrollment adjustments	375,000
15	4. Geographic isolation adjustments	375,000
16	5. Small administrative unit adjustments	75,000
17	6. Audit adjustments	50,000
18	7. Private school services	261,555
19	8. Cost for pupils placed directly by the	
20	State and institutional residents	<u>1,750,000</u>
21	Total	\$223,331,766

22 **Sec. 5. Limit of state's obligation.** In the event
23 that the state's computed obligation for any individual pro-
24 gram contained within sections 2 and 4 exceeds the level of
25 funding provided for that program, any unexpended balances
26 occurring in other programs may be applied to avoid pro-
27 portion of payments for any individual program. Any unex-
28 pended balance from sections 2 and 4 shall not lapse, but
29 shall be carried forward to be used for the same purposes.

30 **Sec. 6.** 20 MRSA §4751, sub-§3, 1A, as amended by PL

1 SENATE AMENDMENT "A" to H.P. 2369, L.D. 2143

2 1981, c. 316, Pt. C, §6, and as repealed and replaced by PL
3 1981, c. 464, §27, is repealed and the following enacted in
4 its place:

5 A. The legislative body of an administrative unit may,
6 in addition to the unit's state-local allocation under
7 sections 4748 and 4749, authorize an additional
8 expenditure for either elementary or secondary pupils,
9 or both, not to exceed a local appropriation for each
10 municipality of 1.1 mills on the state valuation in
11 effect on July 1st or \$140 per pupil, whichever is
12 less, for the 1982-83 year of distribution. No unit
13 may participate in local leeway unless it has raised
14 the minimum amount of its local allocation, as computed
15 by the commissioner under subsection 1, paragraph A or
16 as provided under subsection 1, paragraph D. For the
17 1982-83 year of distribution only, administrative units
18 that vote to raise local leeway at 1.1 mills and \$140
19 per pupil or a specified portion of that levy shall not
20 be required to obtain further voter approval for ad-
21 justment of state and local shares for local leeway and
22 any appropriation without state participation within
23 the limits previously approved by the unit's legis-
24 lative body and the Legislature.

25 PART D

26 Transfer of funds available in Bond Interest Account
27 authorized. In order to meet additional costs associated
28 with the issuance of State of Maine Bond Anticipation Notes
29 in November, 1981, which are due in March, 1982, the Treas-
30 urer of State may transfer up to \$133,000, in addition to
31 the total previously authorized for fiscal year 1982, from
32 funds available in the Bond Interest Account. No increase
33 of appropriation is required.

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

36 FISCAL NOTE

37 GENERAL FUND APPROPRIATIONS

1 SENATE AMENDMENT "A" to H.P. 2369, L.D. 2143

2 GENERAL FUND APPROPRIATIONS

3 PART 1981-82
4 B \$1,463,594

5 STATEMENT OF FACT

6 Part A is the preamble.

7 Part B provides funds for the operation of State Gov-
8 ernment.

9 Part C changes the subsidy index for General Purpose
10 Aid for Local Schools from 8.85 mills to 8.55 mills in order
11 to maintain the state's participation rate at 53.97%. Part
12 C also adjusts local leeway limits to 1.1 mills or \$140 per
13 pupil. Funding required for these adjustments is not pro-
14 vided in Part B.

15 Part D authorizes the Treasurer of State to transfer
16 additional sums from funds available in the Bond Interest
17 Account.

18 5693041382

19 (Sen. Huber)

20 NAME: *David G. Huber*

21 COUNTY: Cumberland

Reproduced and distributed pursuant to Senate Rule 11-A.

April 13, 1982

(Filing No. S-475)