

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1

(EMERGENCY)

2

FIRST REGULAR SESSION

3

4

ONE HUNDRED AND ELEVENTH LEGISLATURE

5

6

Legislative Document

No. 654

7

8

S.P. 217

In Senate, February 9, 1983

9

Submitted by the Department of Finance and Administration pursuant to Joint Rule 24.

10

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

11

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Danton of York.

Cosponsors: Senator Emerson of Penobscot, Representative Macomber of So. Portland and Representative Carroll of Limerick.

12

13

STATE OF MAINE

14

15

IN THE YEAR OF OUR LORD

16

NINETEEN HUNDRED AND EIGHTY-THREE

17

18

AN ACT Making Unified Appropriations and

19

Allocations for the Expenditures of State

20

Government, Highway Fund, and Changing

21

Certain Provisions of the Law

22

Necessary to the Proper Operations of

23

State Government for the Fiscal

24

Years Ending June 30, 1984, and

25

June 30, 1985.

26

27

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

28

29

30

Whereas, the 90-day period may not terminate

31

until after the beginning of the next fiscal year;

32

and

33

Whereas, certain obligations and expenses incident to the operation of state departments and insti-

34

1 tutions will become due and payable immediately; and

2 Whereas, in the judgment of the Legislature,
3 these facts create an emergency within the meaning of
4 the Constitution of Maine and require the following
5 legislation as immediately necessary for the preser-
6 vation of the public peace, health and safety; now,
7 therefore,

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

10 **PART A**

11 **Sec. 1. Appropriations or allocations.** In order
12 to provide for necessary expenditures of State Gov-
13 ernment and other purposes for the fiscal years
14 ending June 30, 1984, and June 30, 1985, the follow-
15 ing sums, as designated in the following tabulations,
16 are appropriated or allocated out of any moneys not
17 otherwise appropriated or allocated.

18 **Sec. 2. Allotments required.** Upon receipt of
19 allotments duly approved by the Governor based upon
20 work programs submitted to the State Budget Officer,
21 the State Controller shall authorize expenditures of
22 these funds, together with expenditures for other
23 purposes necessary to the conduct of State Government
24 on the basis of such allotments and not otherwise.
25 Allotments for Personal Services, Capital Expendi-
26 tures and amounts for All Other departmental expenses
27 shall not exceed the amounts shown in the budget doc-
28 ument or as they may be revised by the Joint Standing
29 Committee on Transportation, unless recommended by
30 the State Budget Officer and approved by the Governor
31 in accordance with established law.

32 **Sec. 3. Personal Services funding.** The amounts
33 provided for Personal Services in the General Fund,
34 Highway Fund and Block Grant Fund are subject to the
35 provision that the total number of permanent posi-
36 tions in any account shall not exceed, during either
37 year of the biennium, the numbers shown in paren-
38 theses which are used by the Legislature in computing
39 the total dollars to be made available for Personal
40 Services. In the other funds, the numbers in paren-
41 theses are estimates of full-time equivalents (FTE).

1 Savings accrued within appropriations or alloca-
2 tions made for Personal Services may be used for pay-
3 ment of nonrecurring Personal Services costs (such as
4 those relating to unbudgeted overtime, acting capac-
5 ity appointment, retroactive compensation for
6 reclassifications or reallocations, retroactive or
7 one-time settlements related to arbitrator or court
8 decisions and required additional retirement contri-
9 butions) when recommended by the department or agency
10 head and approved by the State Budget Officer.

11 The amounts appropriated or allocated for Per-
12 sonal Services include funds for the state's share of
13 state employees' retirement. The State Controller
14 shall transfer the state's share to the Maine State
15 Retirement System as soon as practicable after each
16 payroll is paid.

17 **Sec. 4. Workers' compensation positions.**
18 Limited period positions may be established for
19 former regular employees of the State who are pres-
20 ently receiving workers' compensation payments from
21 the State when such action will enable those employ-
22 ees to return to productive employment with the
23 State. These positions may be established, providing
24 funds are available, only until such time as those
25 employees can be returned to regular positions.

26 Notwithstanding any other restriction on funds
27 appropriated or allocated, the State Budget Officer
28 may, if he determines that funds are available,
29 either approve the use of those funds or recommend
30 appropriate action to the Governor when his approval
31 is required.

32 Available funds may include amounts appropriated
33 or allocated for Personal Services (including funds
34 in any salary account or special account for state
35 employee salary increases), All Other, Capital
36 Expenditures and Unallocated.

37 **Sec. 5. Personal Services policy and review.**
38 The Bureau of the Budget, during this biennium, shall
39 continually review with all departments the status of
40 their manpower levels and staffing patterns for the
41 purpose of determining whether funds and positions
42 are being utilized and managed in the most economical

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

10 **Sec. 6. Personal Services flexibility.** Any
11 classification or reclassification of a position and
12 any allocation or reallocation of a position within
13 the compensation plan made by the Commissioner of
14 Personnel pursuant to the Personnel Law and rules
15 shall become effective on the first day of the fiscal
16 year following approval by the State Budget Officer,
17 and the appropriation or allocation of funds there-
18 for, except that the State Budget Officer may, if he
19 determines that sufficient funds exist, authorize an
20 effective date prior to the first day of the ensuing
21 fiscal year. Copies of all actions and certifica-
22 tions shall be furnished to the Legislative Finance
23 Officer.

24 **Sec. 7. Merit rating required.** It is declared
25 to be the policy of the State that in those instances
26 where annual merit increases are earned and warranted
27 as evidenced by the performance appraisals, they
28 shall be awarded. In those instances where those
29 increases are not earned and warranted, they shall be
30 denied.

31 In furtherance of this policy, the Commissioner
32 of Personnel, utilizing a form or forms prescribed by
33 the commissioner, is directed to require annual merit
34 ratings on all employees, regardless of whether or
35 not those employees are eligible or recommended for
36 merit increases. The form or forms prescribed by the
37 commissioner, in addition to a performance appraisal
38 section, shall include a section wherein each proba-
39 tionary employee's supervisor shall indicate the
40 extent to which the employee has been oriented to the
41 duties and responsibilities of his position. In
42 every instance where an employee is not awarded a
43 merit increase, a record of the reasons therefor and
44 the actions recommended by the employee's supervisor

1 to correct deficiencies, if any, shall be recorded in
2 the performance appraisal.

3 The Commissioner of Personnel is also directed to
4 develop and install a training program for super-
5 visory personnel, including appropriate guides and
6 manuals, which shall ensure that all evaluators
7 charged with the responsibility of doing employee
8 merit ratings shall do so fairly and equitably, one
9 employee to the next and one organizational unit to
10 another.

11 The Commissioner of Personnel shall supply to the
12 State Personnel Board all data necessary to monitor
13 and evaluate the performance appraisal system,
14 including data regarding the percentage and distribu-
15 tion of merit increases. The board, pursuant to its
16 powers under the Revised Statutes, Title 5, section
17 592, shall review the operation of the performance
18 evaluation system and make such recommendations and
19 render such advise to the Commissioner of Personnel
20 as may be necessary to carry out the purposes of this
21 Act.

22 The Commissioner of Personnel shall forward to
23 the Joint Standing Committee on State Government the
24 findings and recommendations of the State Personnel
25 Board, annually, prior to the start of the legis-
26 lative session.

27 **Sec. 8. Number of necessary employees.** The Gov-
28 ernor and the State Budget Officer when next prepar-
29 ing budget proposals for the Legislature may at their
30 discretion adjust the figures in parentheses, repre-
31 senting numbers of positions, to reflect the number
32 of positions which in their opinion are necessary to
33 the proper operation of each department, institution
34 or agency.

35 **Sec. 9. New or expanded programs.** No department
36 may establish new programs or expand existing pro-
37 grams beyond the scope of those programs already
38 established, recognized and approved by the Legis-
39 lature, until the program and the method of financing
40 are submitted to the Bureau of the Budget for evalu-
41 ation and recommendation to the Legislature and until
42 funds are made available therefor by the Legislature.

1 **Sec. 10. Federally-funded programs.** It is the
2 intent of the Legislature that in the event federal
3 funds are not available as anticipated for programs
4 in this Act, there is no obligation to provide state
5 funds in excess of those listed in this Act. Posi-
6 tions entirely or partially funded by federal or
7 other than state sources of funds shall be considered
8 as limited period positions.

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

20 **Sec. 12. Equipment to be reviewed.** The Commis-
21 sioner of Finance and Administration, through the
22 State Purchasing Agent or such other agent as he may
23 choose, shall conduct a thorough review of all types
24 of equipment owned, leased or otherwise available to
25 the several departments and agencies of the State,
26 regardless of the source of supporting funds, combin-
27 ing their use, providing centralized facilities or
28 eliminating existing equipment and facilities, as he
29 believes to be in the most economical, most efficient
30 and best interests of the State. The Commissioner of
31 Finance and Administration may develop and institute
32 such review and control mechanisms as are necessary
33 to ensure that capital equipment purchases authorized
34 by the Legislature are consistent with the intent for
35 which funds were recommended and made available.

36 **Sec. 13. Motor vehicle replacement policy.** The
37 State Purchasing Agent is directed to require that
38 requisitions for replacement motor vehicles include
39 the age and total mileage of the motor vehicle being
40 replaced. For the purposes of this section, motor
41 vehicles are defined as passenger cars, and panel and
42 pickup trucks, excluding those vehicles authorized
43 and assigned for pursuit purposes. Under no circum-
44 stances are any state vehicles to be used primarily

1 for commuting purposes. It is the intent of the
2 Legislature that motor vehicles shall have been in
3 service for at least 5 years or 75,000 miles before
4 they are replaced. This policy shall also be adopted
5 by the State Budget Officer when next preparing a
6 budget document. Exceptions to the established re-
7 placement policy shall require the prior approval of
8 the Commissioner of Finance and Administration. The
9 Commissioner of Finance and Administration may also
10 set appropriate standards with regard to motor vehi-
11 cle type, size and equipment and direct that all
12 motor vehicles be purchased in accordance with an
13 established commodity calendar.

14 **Sec. 14. Significant action recommended by the**
15 **State Budget Officer.** The Bureau of the Budget shall
16 inform the Joint Standing Committee on Appropriations
17 and Financial Affairs, through the Legislative
18 Finance Office, of significant action recommended by
19 the bureau in the performance of the budget responsi-
20 bilities assigned.

21 **Sec. 15. State Cost Allocation Program.** The
22 State Cost Allocation Program shall annually identify
23 the kind and cost of central services furnished to
24 each state agency from General Fund appropriations.
25 The non-General Fund portion of each agency shall be
26 assessed for these services as determined by the
27 State Cost Allocation Program procedures to the
28 extent such payments are not expressly prohibited by
29 state or federal law or by the terms of a gift or
30 donation made to the State from private sources.
31 These payments shall be credited to the General Fund
32 as undedicated revenue. The State Budget Officer may
33 adjust this assessment to any individual account.

34 **Sec. 16. Unified state budget.** The Governor,
35 when submitting the budget to the Legislature, shall
36 submit the budget document and the General Fund and
37 Highway Fund bills in a manner that will identify the
38 gross amount of resources for each program. The
39 gross unified budget bills and budget document shall
40 encompass resources from all funds, including, but
41 not limited to, General Fund, Highway Fund, Federal
42 Fund, Federal Block Grant Fund and Other Special Rev-
43 enue Funds. Separate gross unified budget bills
44 shall be submitted for the General Fund and the High-
45 way Fund.

1 Sec. 17. Line Category amounts of General Fund
2 and Highway Fund. The amounts included in the
3 unified state budget by line category are the amounts
4 included immediately under the appropriations'
5 section and allocations' section of the individual
6 pages in the budget document for the General Fund and
7 the Highway Fund. These amounts, as adjusted by the
8 Legislature, will be used when preparing work pro-
9 grams by fund for each fiscal year of the biennium.

10 Sec. 18. Multiple accounts certification. If
11 any amounts identified to a fund in the source of
12 funds section are to be distributed to more than one
13 account within that fund, the department or agency
14 head responsible for those funds shall certify to the
15 State Budget Officer the amounts included in each ac-
16 count by line category and, additionally, shall cer-
17 tify that the sum of the accounts by fund, by line
18 category, equals the approved totals of the program
19 within the Act.

20 Sec. 19. Year-end closing. The State Controller
21 may close the books as soon as practicable after the
22 close of the fiscal years ending June 30, 1984, and
23 June 30, 1985. Any bills presented after those dates
24 may be paid from appropriations or allocations for
25 the ensuing year on recommendation of the State Con-
26 troller if within the amounts of approved allotments.

27 Sec. 20. Appropriation and allocation balances
28 at year end. At the end of each fiscal year, all
29 unencumbered appropriation and allocation balances
30 representing state moneys, except those that carry
31 forward as provided by law, shall lapse to surplus as
32 provided by the Revised Statutes, Title 5, section
33 1544. At the end of each fiscal year, all encumbered
34 balances shall not be carried more than once, except
35 in those accounts which carry forward from year to
36 year by law.

37 Sec. 21. Other appropriation and allocation mea-
38 sures. It is intended that the language in this Act
39 shall apply to all other appropriation and allocation
40 measures enacted by the Legislature.

	<u>1983-84</u>	<u>1984-85</u>	
1			
2	<u>BUSINESS REGULATION,</u>		
3	<u>DEPARTMENT OF</u>		
4	Claims Board		
5	Personal Services	\$ 86,112	\$ 86,754
6	All Other	20,550	23,075
7		-----	-----
8	Total Appropriation - Allocation	106,662	109,829
9			
10	SOURCE:		
11	Positions	(2)	(2)
12	Highway Fund	106,662	109,829
13	<u>BUSINESS REGULATION,</u>		
14	<u>DEPARTMENT OF</u>		
15	Total	\$106,662	\$109,829
16	<u>FINANCE AND ADMINISTRA-</u>		
17	<u>TION, DEPARTMENT OF</u>		
18	State Police Headquar-		
19	ters Building		
20	Maintenance		
21	Personal Services	\$ 69,803	\$ 70,860
22	All Other	55,150	60,890
23		-----	-----
24	Total Appropriation - Allocation	124,953	131,750
25			
26	SOURCE:		
27	General Fund	31,238	32,938
28	Positions	(5)	(5)
29	Highway Fund	93,715	98,812
30		-----	-----
31	Total By Source	124,953	131,750
32	Transportation Building		
33	Maintenance		
34	Personal Services	243,279	247,642
35	All Other	202,632	222,905
36		-----	-----
37	Total Appropriation - Allocation	445,911	470,547
38			

1	SOURCE:		
2	Positions	(15)	(15)
3	Highway Fund	445,911	470,547
4	FINANCE AND ADMINISTRATION, DEPARTMENT OF		
5			
6	Total	\$570,864	\$602,297
7	<u>PUBLIC SAFETY, DEPARTMENT</u>		
8	<u>OF</u>		
9	Motor Vehicle Inspection		
10	Personal Services	\$ 185,342	\$ 186,240
11	All Other	140,579	69,315
12	Capital Expenditures	30,000	10,000
13			
14	Total Appropriation - Allocation	355,921	265,555
15			
16	SOURCE:		
17	Positions	(7)	(7)
18	Highway Fund	355,921	265,555
19	Safety Program		
20	Personal Services	205,323	208,113
21	All Other	528,445	544,577
22	Capital Expenditures	955	
23			
24	Total Appropriation - Allocation	734,723	752,690
25			
26	SOURCE:		
27	General Fund	229,950	231,987
28	Federal Expenditure Fund	281,063	280,073
29	Positions	(10)	(10)
30	Highway Fund	223,710	240,630
31			
32	Total By Source	734,723	752,690
33			
34	Motor Carrier Safety		
35	Personal Services	370,010	376,178
36	All Other	69,186	72,038
37	Capital Expenditures	14,600	3,800
38			

1	Total Appropriation -		
2	Allocation	453,796	452,016
3	SOURCE:		
4	Positions	(20)	(20)
5	Highway Fund	453,796	452,016
6	State Police		
7	Personal Services	11,506,530	11,635,448
8	All Other	3,764,353	3,909,358
9	Capital Expenditures	809,570	297,930
10			
11	Total Appropriation -		
12	Allocation	16,080,453	15,842,736
13	SOURCE:		
14	Positions	(409)	(409)
15	General Fund	4,263,067	4,186,562
16	Federal Expenditure		
17	Fund	73,000	73,000
18	Positions	(4)	(4)
19	Other Special Revenue		
20	Fund	90,721	94,421
21	Highway Fund	11,653,665	11,488,753
22			
23	Total By Source	16,080,453	15,842,736
24	Trip Permit Control		
25	Personal Services	185,532	185,861
26	All Other	29,173	29,656
27	Capital Expenditures	22,200	25,700
28			
29	Total Appropriation -		
30	Allocation	236,905	241,217
31	SOURCE:		
32	Positions	(6)	(6)
33	Highway Fund	236,905	241,217
34	PUBLIC SAFETY, DEPARTMENT		
35	OF		
36	Total	\$17,861,798	\$17,554,214
37	<u>MAINE STATE RETIREMENT</u>		
38	<u>SYSTEM, (BOARD OF TRUSTEES</u>		
39	<u>OF THE)</u>		

1	Retirement System -		
2	Retirement Allowance Fund		
3	All Other	\$88,544,847	\$90,293,664
4	SOURCE:		
5	General Fund	993,534	992,351
6	Highway Fund	451,313	451,313
7	Miscellaneous Funds	87,100,000	88,850,000
8			
9	Total By Source	<u>88,544,847</u>	<u>90,293,664</u>
10	MAINE STATE RETIREMENT		
11	SYSTEM, (BOARD OF TRUSTEES		
12	OF THE)		
13	Total	\$88,544,847	\$90,293,664
14	<u>SECRETARY OF STATE,</u>		
15	<u>DEPARTMENT OF THE</u>		
16	Administration - Motor		
17	Vehicles		
18	Personal Services	\$4,938,891	\$5,042,236
19	All Other	2,517,565	2,528,234
20	Capital Expenditures	128,465	138,760
21			
22	Total Appropria-		
23	tion - Allocation	<u>7,584,921</u>	<u>7,709,230</u>
24	SOURCE:		
25	Federal Expendi-		
26	ture Fund	9,427	9,621
27	Positions	(301)	(301)
28	Highway Fund	7,575,494	7,699,609
29			
30	Total By Source	<u>7,584,921</u>	<u>7,709,230</u>
31	Fuel Use Decal Program		
32	Personal Services	113,967	117,445
33	All Other	101,316	101,515
34			
35	Total Appropria-		
36	tion - Allocation	<u>215,283</u>	<u>218,960</u>
37	SOURCE:		

1	Positions	(8)	(8)
2	Highway Fund	215,283	218,960
3	SECRETARY OF STATE,		
4	DEPARTMENT OF		
5	Total	\$7,800,204	\$7,928,190
6	<u>TRANSPORTATION, DEPARTMENT</u>		
7	<u>OF</u>		
8	Administration & Plan-		
9	ning		
10	Personal Services	\$3,935,254	\$4,009,560
11	All Other	2,622,820	2,612,353
12	Capital Expenditures	120,000	120,000
13			
14	Total Appropria-		
15	tion - Allocation	6,678,074	6,741,913
16	SOURCE:		
17	Federal Expendi-		
18	ture Fund	1,452,000	1,463,205
19	Positions	(230)	(230)
20	Highway Fund	5,226,074	5,278,708
21			
22	Total By Source	6,678,074	6,741,913
23	Bond Interest - Highway		
24	All Other	6,305,847	6,153,480
25	SOURCE:		
26	Highway Fund	6,305,847	6,153,480
27	Bond Retirement - High-		
28	way		
29	All Other	7,460,000	7,025,000
30	SOURCE:		
31	Highway Fund	7,460,000	7,025,000
32	Highway & Bridge		
33	Improvement		
34	Personal Services	11,643,531	11,643,531
35	All Other	2,060,000	2,060,000
36	Capital Expenditures	36,396,469	36,396,469
37			

1	Total	Appropriation		
2		- Allocation	50,100,000	50,100,000
3	SOURCE:			
4	Federal	Expendi-		
5		ture Fund	48,415,000	48,415,000
6		Positions	(594)	(594)
7		Highway Fund	1,685,000	1,685,000
8				
9		Total By Source	50,100,000	50,100,000
10	Highway Maintenance -			
11	Summer			
12	Personal Services		26,254,700	26,376,798
13	All Other		25,060,300	23,237,800
14	Capital Expenditures		628,000	628,402
15				
16	Total	Appropriation		
17		- Allocation	51,943,000	50,243,000
18	SOURCE:			
19	Positions		(133)	(133)
20	Highway Fund		51,943,000	50,243,000
21	Island Town Refunds -			
22	Highway			
23	All Other		20,000	20,000
24	SOURCE:			
25	Highway Fund		20,000	20,000
26	Radio Operations - High-			
27	way			
28	Personal Services		111,161	115,731
29	All Other		58,839	57,269
30	Capital Expenditures		80,000	47,000
31				
32	Total	Appropriation		
33		- Allocation	250,000	220,000
34	SOURCE:			
35	Positions		(6)	(6)
36	Highway Fund		250,000	220,000
37	State Aid Highway Con-			
38	struction - General			
39	Capital Expenditures		2,000,000	2,000,000

1 SOURCE:
 2 Positions (35) (35)
 3 Highway Fund 2,000,000 2,000,000

4 TRANSPORTATION, DEPARTMENT
 5 OF

6 Total \$124,756,921 \$122,503,393
 7 GRAND TOTAL \$239,641,296 \$238,991,587

8 Emergency clause. In view of the emergency cited
 9 in the preamble, this Act shall take effect July 1,
 10 1983.

11 Fiscal Note

12 APPROPRIATION-ALLOCATION

13 1983-84 1984-85
 14 Highway Fund Amounts \$ 96,702,296 \$ 94,362,429
 15 Other Funds \$142,939,000 \$144,629,158
 16
 17 Total \$239,641,296 \$238,991,587

18 STATEMENT OF FACT

19 The purpose of this bill is to appropriate and
 20 allocate funds from the Highway Fund.

21 2040011583