

# MAINE STATE LEGISLATURE

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(EMERGENCY)

SECOND REGULAR SESSION

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ONE HUNDRED AND ELEVENTH LEGISLATURE

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Legislative Document

No. 2072

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S.P. 764

In Senate, February 13, 1984

Submitted by the Department of Transportation pursuant to Joint Rule 24. Reference to the Committee on Transportation is suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Danton of York.

Cosponsors: Representative Carroll of Limerick, Representative Nadeau of Lewiston and Representative Callahan of Mechanic Falls.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-FOUR

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AN ACT to Avoid Lapsing Certain State  
Appropriated Public Transportation Funds.

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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, the 90-day period may not terminate until after the end of this fiscal year; and

Whereas, the present requirement that these funds be encumbered by the end of the fiscal year is inconsistent with federal funding availability and this program; 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,

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

3 PL 1983, c. 110, Pt. A, §23, under the caption  
4 "TRANSPORTATION, DEPARTMENT OF" is amended by strik-  
5 ing out the first 2 lines of that part relating to  
6 Transportation Services and inserting in their place  
7 the following:

8	<u>Transportation Services</u>		
9	<u>All Other</u>	<u>3,078,698</u>	<u>2,613,198</u>

10 Any unencumbered balances  
11 of the funds shall not  
12 lapse at the end of the  
13 fiscal year, but shall  
14 carry forward until the  
15 purpose for which they  
16 were appropriated has  
17 been accomplished.

18 **Emergency clause.** In view of the emergency cited  
19 in the preamble, this Act shall take effect when ap-  
20 proved.

21 STATEMENT OF FACT

22 The purpose of this bill is to prevent state  
23 funds from lapsing at the end of the fiscal year in  
24 which they were appropriated. The funds are utilized  
25 to match federal and local funds to subsidize public  
26 transportation systems throughout the State. The en-  
27 abling statute which provides the funding requires  
28 the Department of Transportation to divide the State  
29 into a number of geographic regions and to appoint an  
30 agency in each region to formulate an annual opera-  
31 tions' plan. Approval of each regional plan must be  
32 approved by the Department of Transportation with the  
33 consent of the Department of Human Services and De-  
34 partment of Mental Health and Mental Retardation.  
35 Because of the complexities of these plans which re-  
36 quire public hearing, local agency committee consul-  
37 tation and approval of 3 state departments, it has  
38 not been possible for the department to execute a  
39 number of contracts until some 11 months into the op-

1 erations' year. The federal funds requiring the  
2 match should normally be available at the beginning  
3 of the federal fiscal year, October 1st. This has  
4 not been the case and, with the exception of one  
5 year, federal funds have not been available until  
6 April or May, or the 6th or 7th month of the federal  
7 fiscal year. Consequently, advanced planning has not  
8 been possible. In addition, local match is also re-  
9 quired and often is not available until the end of  
10 the operations' year since a portion of local funds  
11 are appropriated at town meeting time. In view of  
12 the circumstances set forth, it is essential that the  
13 available funding not lapse, but be carried forward  
14 until the purpose for which they were appropriated  
15 has been accomplished.

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