

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 FIRST REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 900

7
8 H.P. 632

House of Representatives, March 1, 1985

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

11 Referred to the Committee on Appropriations and Financial Affairs. Sent
up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Jacques of Waterville.

12 Cosponsored by Representative Clark of Millinocket, Representative
Conners of Franklin and Senator Matthews of Kennebec.

13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-FIVE
17

18 AN ACT Making Unified Appropriations and
19 Allocations for the Expenditures of
20 State Government, Department of Inland
21 Fisheries and Wildlife Funds, and
22 Changing Certain Provisions of the Law
23 Necessary to the Proper Operations of
24 State Government for the Fiscal Years
25 Ending June 30, 1986, and June 30,
26 1987.
27

28 Emergency preamble. Whereas, Acts of the Legis-
29 lature do not become effective until 90 days after
30 adjournment unless enacted as emergencies; and

31 Whereas, the 90-day period may not terminate un-
32 til after the beginning of the next fiscal year; and

33 Whereas, certain obligations and expenses inci-
34 dent to the operation of state departments and insti-
35 tutions will become due and payable immediately; and

1 the specific cost components upon which appropri-
2 tions and allocations are based, except as provided
3 for in section 6. The State Budget Officer may re-
4 quire any department or agency to submit such infor-
5 mation as may be deemed necessary to assure compli-
6 ance with this provision. In other funds, the numbers
7 in parentheses are estimates of full-time equiva-
8 lents.

9 Savings accrued within appropriations or alloca-
10 tions made for Personal Services may be used for pay-
11 ment of nonrecurring Personal Services costs, such as
12 those relating to: Unbudgeted overtime; acting capac-
13 ity appointment; retroactive compensation for
14 reclassifications or reallocations; retroactive or
15 one-time settlements related to arbitrator or court
16 decisions; and required additional retirement contri-
17 butions, when recommended by the department or agency
18 head and approved by the State Budget Officer.

19 The amounts appropriated or allocated for Person-
20 al Services include funds for the state's share of
21 state employees' retirement. The State Controller
22 shall transfer the state's share to the Maine State
23 Retirement System as soon as practicable after each
24 payroll is paid.

25 **Sec. 4. Workers' compensation positions.** Limited
26 period positions may be established for former regul-
27 ar employees of the State who are presently receiv-
28 ing workers' compensation payments from the State
29 when that action will enable those employees to re-
30 turn to productive employment with the State. These
31 positions may be established, providing funds are
32 available, only until such time as those employees
33 can be returned to regular positions.

34 Notwithstanding any other restriction on funds
35 appropriated or allocated, the State Budget Officer
36 may, if he determines that funds are available, ei-
37 ther approve the use of these funds or recommend ap-
38 propriate action to the Governor when his approval is
39 required.

40 Available funds may include amounts appropriated
41 or allocated for Personal Services, including funds
42 in any salary account or special account for state

1 employee salary increases, All Other, Capital Expend-
2 itures and unallocated.

3 **Sec. 5. Personal Services policy and review.** The
4 Bureau of the Budget, during this biennium, shall
5 continually review with all departments the status of
6 their manpower levels and staffing patterns for the
7 purpose of determining whether funds and positions
8 are being utilized and managed in the most economical
9 and efficient manner to accomplish the intent of the
10 Legislature. Permanent positions for which funds are
11 appropriated or allocated shall be classified posi-
12 tions, unless specifically designated otherwise by
13 the Legislature. It shall be the responsibility of
14 the Commissioner of Personnel and the State Budget
15 Officer to ensure that classified and unclassified
16 positions are assigned to a proper pay grade within
17 authorized funds.

18 **Sec. 6. Personal Services flexibility.** Any clas-
19 sification or reclassification of a position and any
20 allocation or reallocation of a position within the
21 compensation plan made by the Commissioner of Person-
22 nel pursuant to the Personnel Law and rules shall be-
23 come effective on the first day of the fiscal year
24 following approval by the State Budget Officer, and
25 the appropriation or allocation of funds therefor,
26 except that the State Budget Officer may, if he de-
27 termines that sufficient funds exist, authorize an
28 effective date prior to the first day of the ensuing
29 fiscal year. Copies of all actions and certifications
30 shall be furnished to the Legislative Finance Offi-
31 cer.

32 **Sec. 7. Merit rating required.** It is declared to
33 be the policy of the State that, in those instances
34 where annual merit increases are earned and warranted
35 as evidenced by the performance appraisals, they
36 shall be awarded. In those instances where increases
37 are not earned and warranted, they shall be denied.

38 In furtherance of this policy, the Commissioner
39 of Personnel, utilizing a form or forms prescribed by
40 the commissioner, is directed to require annual merit
41 ratings on all employees, regardless of whether or
42 not the employee is eligible or recommended for a
43 merit increase. The form or forms prescribed by the

1 commissioner, in addition to a performance appraisal
2 section, shall include a section wherein each proba-
3 tionary employee's supervisor shall indicate the ex-
4 tent to which the employee has been oriented to the
5 duties and responsibilities of his position. In every
6 instance where an employee is not awarded a merit in-
7 crease, a record of the reasons therefor and the ac-
8 tions recommended by the employee's supervisor to
9 correct deficiencies, if any, shall be recorded in
10 the performance appraisal.

11 The Commissioner of Personnel is also directed to
12 develop and install a training program for superviso-
13 ry personnel, including appropriate guides and manu-
14 als, which shall ensure that all evaluators charged
15 with the responsibility of doing employee merit rat-
16 ings shall do so fairly and equitably, one employee
17 to the next and one organizational unit to another.

18 The Commissioner of Personnel shall supply to the
19 State Personnel Board all data necessary to monitor
20 and evaluate the performance appraisal system, in-
21 cluding data regarding the percentage and distribu-
22 tion of merit increases. The board, pursuant to its
23 powers under the Maine Revised Statutes, Title 5,
24 section 592, will review the operation of the per-
25 formance evaluation system and make such recommenda-
26 tions and render such advice to the Commissioner of
27 Personnel as may be necessary to carry out the pur-
28 poses of this Act.

29 The Commissioner of Personnel shall forward to
30 the joint standing committee of the Legislature hav-
31 ing jurisdiction over State Government the findings
32 and recommendations of the State Personnel Board, an-
33 nually, prior to the start of the legislative ses-
34 sion.

35 **Sec. 8. Number of necessary employees.** The Gov-
36 ernor and the State Budget Officer when next prepar-
37 ing budget proposals for the Legislature may at their
38 discretion adjust the figures in parentheses, repre-
39 senting numbers of positions, to reflect the number
40 of positions which, in their opinion, are necessary
41 to the proper operation of each department, institu-
42 tion or agency.

1 **Sec. 9. New or expanded programs.** No department
2 may establish new programs or expand existing pro-
3 grams beyond the scope of those programs already es-
4 tablished, recognized and approved by the Legisla-
5 ture, until the program and the method of financing
6 are submitted to the Bureau of the Budget for evalua-
7 tion and recommendation to the Legislature and until
8 the funds are made available therefor by the Legisla-
9 ture.

10 **Sec. 10. Federally-funded programs.** It is the
11 intent of the Legislature that, in the event federal
12 funds are not available as anticipated for programs
13 in this Act, there is no obligation to provide state
14 funds in excess of those listed in this Act. Posi-
15 tions entirely or partially funded by federal or oth-
16 er than state sources of funds shall be considered as
17 limited period positions.

18 **Sec. 11. Travel limitations.** It is the intent of
19 the Legislature that out-of-state travel be limited.
20 Any state employee who travels out of state on state
21 business, such as law enforcement, collecting, bid-
22 ding, industrial development or loans, may continue
23 to do so. The Legislature directs that department
24 heads hold down cost of all travel where it is not
25 absolutely needed. A state employee shall not be re-
26 imursed for noon meals, unless the expense is in-
27 curred while traveling on state business and lodging
28 is required. Any state employee who attends a seminar
29 or other program which includes the cost of a noon
30 meal as part of the tuition or registration fee will
31 not be required to reimburse the State for that meal.

32 **Sec. 12. Equipment to be reviewed.** The Commis-
33 sioner of Finance and Administration, through the
34 State Purchasing Agent or such other agent as he may
35 choose, shall conduct a thorough review of all types
36 of equipment owned, leased or otherwise available to
37 the several departments and agencies of the State,
38 regardless of the source of supporting funds, combin-
39 ing their use, providing centralized facilities or
40 eliminating existing equipment and facilities, as he
41 believes to be in the most economical, most efficient
42 and best interests of the State. The Commissioner of
43 Finance and Administration may develop and institute
44 such review and control mechanisms as are necessary

1 to ensure that capital equipment purchases authorized
2 by the Legislature are consistent with the intent for
3 which funds were recommended and made available.

4 **Sec. 13. Motor vehicle replacement policy.** The
5 State Purchasing Agent is directed to require that
6 requisitions for replacement motor vehicles include
7 the age and total mileage of the motor vehicle being
8 replaced. For the purposes of this section, motor ve-
9 hicles are defined as passenger cars, and panel and
10 pickup trucks, excluding those vehicles authorized
11 and assigned for pursuit purposes. Under no circum-
12 stances are any state vehicles to be used primarily
13 for commuting purposes. It is the intent of the Leg-
14 islation that motor vehicles shall have been in ser-
15 vice for at least 5 years or 75,000 miles before they
16 are replaced. This policy shall also be adopted by
17 the State Budget Officer when next preparing a budget
18 document. Exceptions to the established replacement
19 policy shall require the prior approval of the Com-
20 missioner of Finance and Administration. The Commis-
21 sioner of Finance and Administration may also set ap-
22 propriate standards with regard to motor vehicle
23 type, size and equipment and direct that all motor
24 vehicles be purchased in accordance with an estab-
25 lished commodity calendar.

26 **Sec. 14. Significant action recommended by the**
27 **State Budget Officer.** The Bureau of the Budget shall
28 inform the joint standing committee of the Legisla-
29 ture having jurisdiction over appropriations and fi-
30 nancial affairs, through the Legislative Finance Of-
31 fice, of significant action recommended by the bureau
32 in the performance of the budget responsibilities as-
33 signed.

34 **Sec. 15. State Cost Allocation Program.** The
35 State Cost Allocation Program shall annually identify
36 the kind and cost of central services furnished to
37 each state agency from General Fund appropriations.
38 The non-General Fund portion of each agency shall be
39 assessed for these services as determined by the
40 State Cost Allocation Program procedures to the ex-
41 tent these payments are not expressly prohibited by
42 state or federal law or by the terms of a gift or do-
43 nation made to the State from private sources. These
44 payments shall be credited to the General Fund as un-

1 dedicated revenue. The State Budget Officer may ad-
2 just this assessment to any individual account.

3 Non-General Fund resources which contribute
4 towards funding costs related to general
5 department-wide functions, such as accounting, per-
6 sonnel administration, maintenance of property
7 records and general purchasing, that have been made
8 available to an account by legislative action may be
9 consolidated into one or more administrative ac-
10 counts, unless such a consolidation is expressly pro-
11 hibited by state or federal law. All resources and
12 costs affected by such consolidation shall be proper-
13 ly identified and included in the budget process in
14 accordance with the Maine Revised Statutes, Title 5,
15 chapter 149. When the Legislature is not in session,
16 upon recommendation of the State Budget Officer, the
17 Governor may approve necessary adjustments to these
18 consolidations for a period not to extend beyond the
19 end of the fiscal year. The Legislative Finance Offi-
20 cer shall be notified of any such action. The unen-
21 cumbered balance of each administrative account es-
22 tablished pursuant to this section shall be carried
23 forward at the end of each fiscal year and the bud-
24 geted transfers to the administrative account for the
25 ensuing year shall be proportionally reduced by the
26 amount of that carried balance.

27 **Sec. 16. Unified state budget.** The Governor,
28 when submitting the budget to the Legislature, shall
29 submit the budget document and the General Fund,
30 Highway Fund and funds of the Department of Inland
31 Fisheries and Wildlife bills in a manner that will
32 identify the gross amount of resources for each pro-
33 gram. The gross unified budget bills and budget docu-
34 ment shall encompass resources from all funds, in-
35 cluding, but not limited to: General Fund, Highway
36 Fund, Federal Fund, Federal Block Grant Fund and oth-
37 er special revenue funds. Separate gross unified bud-
38 get bills shall be submitted for the General Fund,
39 the Highway Fund and the Department of Inland Fisher-
40 ies and Wildlife funds.

41 **Sec. 17. Line category amounts of General Fund,**
42 **Highway Fund and the Department of Inland Fisheries**
43 **and Wildlife funds.** The amounts included in the uni-
44 fied state budget by line category are the amounts

1 included immediately under the "appropriations and
2 allocations" section of the individual pages in the
3 budget document for the General Fund, the Highway
4 Fund and the Department of Inland Fisheries and Wild-
5 life funds. These amounts, as adjusted by the Legis-
6 lature, will be used when preparing work programs by
7 fund for each fiscal year of the biennium.

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

18 **Sec. 19. Year-end closing.** The State Controller
19 may close the books as soon as practicable after the
20 close of the fiscal years ending June 30, 1986, and
21 June 30, 1987. Any bills presented after those dates
22 may be paid from appropriations or allocations for the
23 ensuing year on recommendation of the State Control-
24 ler if within the amounts of approved allotments.

25 **Sec. 20. Appropriation and allocation balances**
26 **at year end.** At the end of each fiscal year, all un-
27 encumbered appropriation and allocation balances
28 shall lapse into the fund or the account balance and
29 shall not be available unless authorized by law. At
30 the end of each fiscal year, all encumbered balances
31 shall not be carried more than once.

32 **Sec. 21. Reorganization of departments.** No de-
33 partment or agency may be allowed to reorganize be-
34 tween accounts in the Part I current services budget.
35 Any such reorganization shall be submitted in the
36 Part II new or expanded services budget or separate
37 legislation.

38 **Sec. 22. Appropriation or allocation of funds.**
39 Any funds appearing in this Act which are specificall-
40 y appropriated or allocated in another Act are in-
41 cluded in this Act for informational purposes only.
42 All governmental funds not specifically appropriated

or allocated in another Act are appropriated or allocated in accordance with section 1.

Sec. 23. Other appropriation and allocation measures. It is intended that the language in this Act, except for section 22, shall apply to all other appropriation and allocation measures enacted by the Legislature.

	<u>1985-86</u>	<u>1986-87</u>
<u>UNIFIED BUDGET ACT - DEPARTMENT OF</u>		
<u>INLAND FISHERIES AND WILDLIFE -</u>		
<u>CURRENT SERVICES</u>		
<u>INLAND FISHERIES AND WILDLIFE,</u>		
<u>DEPARTMENT OF</u>		
Office of the Commissioner -		
Inland Fisheries and Wildlife		
Positions-Legislative Count	(15.0)	(15.0)
Personal Services	\$ 452,276	\$ 459,723
All Other	365,587	382,755
Capital Expenditures	37,535	4,446
Total	<u>\$ 855,398</u>	<u>\$ 846,924</u>
Other Special Revenue		
Office of the Commissioner-		
Inland Fisheries and Wildlife		
Positions-Legislative Count	(15.0)	(15.0)
Personal Services	\$ 364,529	\$ 371,761
All Other	358,301	376,351
Capital Expenditures	37,535	4,446
Total	<u>\$ 760,365</u>	<u>\$ 752,558</u>
Source		
Federal Expenditure Fund		
Allocations-Appropriations	\$ 95,033	\$ 94,366
Other Special Revenue		
Position Count	(15.0)	(15.0)
Allocations-Appropriations	760,365	752,558
Total	<u>\$ 855,398</u>	<u>\$ 846,924</u>
Bureau of Administrative Services -		
Inland Fisheries and Wildlife		
Administrative Services -		
Inland Fisheries and Wildlife		
Positions-Legislative Count	(21.0)	(21.0)
Personal Services	\$ 473,040	\$ 483,817

All Other	516,266	472,083
Capital Expenditures	<u>41,028</u>	<u>13,255</u>
Total	\$1,030,334	\$ 969,155
Other Special Revenue		
Administrative Services -		
Inland Fisheries and Wildlife		
Positions-Legislative Count	(21.0)	(21.0)
Personal Services	\$ 473,040	\$ 483,817
All Other	516,266	472,083
Capital Expenditures	<u>41,028</u>	<u>13,255</u>
Total	\$1,030,334	\$ 969,155
Source		
Other Special Revenue		
Licensing Services - Inland		
Fisheries and Wildlife		
Positions-Legislative Count	(5.0)	(5.0)
Personal Services	\$ 319,977	\$ 328,355
All Other	289,149	301,249
Capital Expenditures	<u>1,760</u>	<u>1,902</u>
Total	\$ 610,886	\$ 631,506
Other Special Revenue		
Licensing Services - Inland		
Fisheries and Wildlife		
Positions-Legislative Count	(5.0)	(5.0)
Personal Services	\$ 264,284	\$ 272,662
All Other	273,505	285,605
Capital Expenditures	<u>1,760</u>	<u>1,902</u>
Total	\$ 539,549	\$ 560,169
Source		
Federal Expenditure Fund		
Allocations-Appropriations	\$ 71,337	\$ 71,337
Other Special Revenue		
Position Count	(5.0)	(5.0)
Allocations-Appropriations	<u>539,549</u>	<u>560,169</u>
Total	\$ 610,886	\$ 631,506
Whitewater Rafting Fund		
All Other	\$ 5,000	\$ 5,000
Other Special Revenue		
County 10% - Whitewater		
Rafting Fund		

All Other	\$ 5,000	\$ 5,000
Source		
Other Special Revenue		
Atlantic Sea Run Salmon Commission		
Atlantic Sea Run Salmon Commission		
Positions-Legislative Count	(6.0)	(6.0)
Personal Services	\$ 187,393	\$ 191,354
All Other	92,319	94,053
Capital Expenditures	41,000	41,523
Total	\$ 320,712	\$ 326,930
Other Special Revenue		
Atlantic Sea Run Salmon		
All Other	\$ 22,500	\$ 22,500
Source		
General Fund		
Position Count	(6.0)	(6.0)
Allocations-Appropriations	\$ 231,429	\$ 237,647
Federal Expenditure Fund		
Allocations-Appropriations	66,783	66,783
Other Special Revenue		
Allocations-Appropriations	22,500	22,500
Total	\$ 320,712	\$ 326,930
Bureau of Resource Management -		
Inland Fisheries and Wildlife		
Endangered Non-game Operations		
Positions-Legislative Count	(3.0)	(3.0)
Personal Services	\$ 79,964	\$ 82,699
All Other	149,402	149,404
Total	\$ 229,366	\$ 232,103
Other Special Revenue		
Endangered Non-game - Inland		
Fisheries and Wildlife		
Positions-Legislative Count	(3.0)	(3.0)
Personal Services	\$ 70,964	\$ 73,699
All Other	58,402	58,404
Total	\$ 129,366	\$ 132,103
Source		
Federal Expenditure Fund		
Allocations-Appropriations	\$ 100,000	\$ 100,000

Other Special Revenue		
Position Count	(3.0)	(3.0)
Allocations-Appropriations	<u>129,366</u>	<u>132,103</u>
Total	\$ 229,366	\$ 232,103
Fisheries and Hatcheries Operations		
Positions-Legislative Count	(53.0)	(53.0)
Personal Services	\$1,480,258	\$1,512,681
All Other	587,501	577,874
Capital Expenditures	<u>101,679</u>	<u>96,088</u>
Total	\$2,169,438	\$2,186,643
Other Special Revenue		
Fisheries and Hatcheries		
Positions-Legislative Count	(53.0)	(53.0)
Personal Services	\$1,230,258	\$1,262,681
All Other	587,501	577,874
Capital Expenditures	<u>101,679</u>	<u>96,088</u>
Total	\$1,919,438	\$1,936,643
Source		
Federal Expenditure Fund		
Allocations-Appropriations	\$ 250,000	\$ 250,000
Other Special Revenue		
Position Count	(53.0)	(53.0)
Allocations-Appropriations	<u>1,919,438</u>	<u>1,936,643</u>
Total	\$2,169,438	\$2,186,643
Resource Management Services -		
Inland Fisheries and Wildlife		
Positions - Legislative	(53.0)	(53.0)
Count		
Personal Services	\$1,582,595	\$1,593,027
All Other	853,381	737,174
Capital Expenditures	<u>119,550</u>	<u>122,266</u>
Total	\$2,555,526	\$2,452,467
Other Special Revenue		
Resource Management - Inland		
Fisheries and Wildlife		
Positions - Legislative	(53.0)	(53.0)
Count		
Personal Services	\$ 748,174	\$ 761,786
All Other	204,139	191,241
Capital Expenditures	<u>75,112</u>	<u>109,366</u>
Total	\$1,027,425	\$1,062,393

Source		
Federal Expenditure Fund		
Allocations-Appropriations	\$1,528,101	\$1,390,074
Other Special Revenue		
Position Count	(53.0)	(53.0)
Allocations-Appropriations	<u>1,027,425</u>	<u>1,062,393</u>
Total	\$2,555,526	\$2,452,467
Bureau of Warden Services -		
Inland Fisheries and Wildlife		
Enforcement Operations -		
Inland Fisheries and Wildlife		
Positions-Legislative Count	(135.0)	(135.0)
Personal Services	\$4,900,800	\$4,965,115
All Other	1,013,651	1,027,529
Capital Expenditures	<u>454,008</u>	<u>286,316</u>
Total	\$6,368,459	\$6,278,960
Other Special Revenue		
Enforcement Operations -		
Inland Fisheries and		
Wildlife		
Positions-Legislative Count	(135.0)	(135.0)
Personal Services	\$4,766,481	\$4,830,796
All Other	939,957	953,835
Capital Expenditures	<u>451,857</u>	<u>284,165</u>
Total	\$6,158,295	\$6,068,796
Source		
Federal Expenditure Fund		
Allocations-Appropriations	\$ 210,164	\$ 210,164
Other Special Revenue		
Position Count	(135.0)	(135.0)
Allocations-Appropriations	<u>6,158,295</u>	<u>6,068,796</u>
Total	\$6,368,459	\$6,278,960
Whitewater Rafting - Inland		
Fisheries and Wildlife		
Personal Services	\$ 29,250	\$ 29,250
All Other	<u>3,250</u>	<u>3,250</u>
Total	\$ 32,500	\$ 32,500
Other Special Revenue		
Whitewater Rafting - Inland		
Fisheries and Wildlife		
Personal Services	\$ 29,250	\$ 29,250
All Other	<u>3,250</u>	<u>3,250</u>

Total	\$ 32,500	\$ 32,500
Source		
Other Special Revenue		
Allocations-Appropriations	\$ 32,500	\$ 32,500
Summary: Department of Inland Fisheries and Wildlife		
Positions-Legislative Count	(291.0)	(291.0)
Personal Services	\$9,505,553	\$9,646,021
All Other	3,875,506	3,750,371
Capital Expenditures	796,560	565,796
Total	\$14,177,619	\$13,962,188
Other Special Revenue		
Positions-Legislative Count	(285.0)	(285.0)
Personal Services	\$7,946,980	\$8,086,452
All Other	2,968,821	2,946,143
Capital Expenditures	708,971	509,222
Total	\$11,624,772	\$11,541,817
Source		
General Fund		
Allocations-Appropriations	\$ 231,429	\$ 237,647
Position Count	(6.0)	(6.0)
Federal Expenditure Fund		
Allocations-Appropriations	2,321,418	2,182,724
Other Special Revenue		
Allocations-Appropriations	11,624,772	11,541,817
Position Count	(285.0)	(285.0)
Total	\$14,177,619	\$13,962,188
<u>SUMMARY: DEPARTMENT OF INLAND FISHERIES AND WILDLIFE</u>		
Total	\$14,177,619	\$13,962,188

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect July 1, 1985.

STATEMENT OF FACT

The purpose of this bill is to make appropriations and allocations for the expenditures of State Government for the fiscal years ending June 30, 1986, and June 30, 1987.

2287013185