

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 23

S.P. 50

In Senate, January 26, 1989

Reported by Senator THERIAULT from the Joint Standing Committee on Transportation pursuant to Public Law 1987, chapter 793, Part A, section 14.

Reference to the Committee on Transportation suggested and ordered printed pursuant to Joint Rule 18.

Handwritten signature of Joy J. O'Brien in cursive.

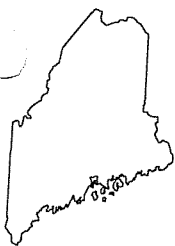
JOY J. O'BRIEN
Secretary of the Senate

STATE OF MAINE

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

AN ACT to Amend the Local Road Assistance Distribution Formula.

(EMERGENCY)



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

5 Whereas, the current distribution formula for the Local
Road Assistance Program is inequitable and changes are
7 immediately necessary to correct this inequity; and

9 Whereas, the changes to the distribution formula must take
effect prior to the next biennial apportionment of funds from
11 the Local Road Assistance Fund; and

13 Whereas, that next biennial apportionment will occur prior
to the expiration of the 90-day period; and

15 Whereas, in the judgment of the Legislature, these facts
17 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
19 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

23 **Sec. 1. 23 MRSA §1802**, as amended by PL 1987, c. 737, Pt. C,
25 §§68 and 106, is repealed.

27 **Sec. 2. 23 MRSA §1802-A** is enacted to read:

29 §1802-A. Definitions

31 As used in this subchapter, unless the context otherwise
indicates, the following terms have the following meanings.

33 1. Average miles maintained. "Average miles maintained"
35 means the sum of the number of miles of public road maintained
by the municipality in the summer plus the number of miles of
37 public road maintained in the winter, divided by 2.

39 **Sec. 3. 23 MRSA §1803**, as amended by PL 1985, c. 403, Pt. C,
41 §1, is repealed.

43 **Sec. 4. 23 MRSA §1803-B** is enacted to read:

45 §1803-B. Fund distribution

47 1. Distribution. Subject to the limitations set out in
subsection 4, funds from the Local Road Assistance Program shall
49 be distributed to each municipality based on the average miles
maintained by the municipality multiplied by an amount not less
than \$1,200.

51

1 2. Retention of allocation for Local Road Assistance
2 Program. Prior to apportioning funds to each municipality, the
3 department shall retain sufficient funds from the allocation for
4 the Local Road Assistance Program to assure equitable funds are
5 provided for roads in unorganized areas and for administration.

7 3. Payment of funds. One quarter of the funds apportioned
8 to each municipality shall be paid by the State to the
9 municipality before September 1st, December 1st, March 1st and
10 June 1st each year.

11 4. Limitations. The distribution authorized in this
12 section is subject to the following limitations.

15 A. The distribution to a municipality may not be reduced
16 by more than the following percentages based on the
17 distribution to that municipality in fiscal year 1988-89,
18 excluding the 22% one-time stipend for that year:

19 (1) Ten percent for fiscal year 1989-90;

21 (2) Twenty percent for fiscal year 1990-91;

23 (3) Thirty-five percent for fiscal year 1991-92; and

25 (4) Fifty percent for fiscal year 1992-93.

27 B. The distribution to a municipality may not be increased
28 by more than the following percentages based on the
29 distribution to that municipality in fiscal year 1988-89,
30 excluding the 22% one-time stipend for that year:

33 (1) Eighty percent for fiscal year 1989-90;

35 (2) One hundred seven percent for fiscal year 1990-91;

37 (3) One hundred fifty-five percent for fiscal year
38 1991-92; and

39 (4) Two hundred twenty percent for fiscal year
41 1992-93.

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

47 **STATEMENT OF FACT**

49 The purpose of this bill is to revise the distribution
50 formula of the Local Road Assistance Program to provide greater
51 equity in that distribution. The bill establishes a 4-year
phase-in period for the new formula.