

MAINE STATE LEGISLATURE

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R. 018

L.D. 1798

(Filing No. S-449)

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**STATE OF MAINE
SENATE
114TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A " to S.P. 680, L.D. 1798, Bill, "An Act to Make Supplemental Appropriations and Allocations for Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1990, and June 30, 1991"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

PART A

Supplemental appropriations from General Fund. There are appropriated from the General Fund for the fiscal years ending June 30, 1990, and June 30, 1991, to the departments listed, the following sums.

	1989-90	1990-91
ADMINISTRATION, DEPARTMENT OF		
Public Improvements - Planning - Construction - Administration		
Capital Expenditures	\$230,000	
Provides funds to upgrade the electrical capacity in the State Office Building.		
DEPARTMENT OF ADMINISTRATION TOTAL	<u> </u> \$230,000	
AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF		
Marketing Services - Agriculture		

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2 All Other \$156,000 \$156,000

4 Provides for the transfer of
6 funds from the Department of
Economic and Community
8 Development, Business
Development Program, to
10 support the quality assurance
effort for which positions
12 were authorized in Public Law
1987, chapter 844.

14 **Agricultural Production**

16 All Other \$120,000

18 Restores funds deappropriated
20 in Public Law 1989, chapter
501, Part N, to provide a
22 match for a soil conservation
and irrigation project in
24 Aroostook County with the
United States Army Corps of
Engineers.

26
28 **Soil and Water Conservation
Commission**

30 All Other \$143,500

32 Provides funds in the amount
34 of \$46,000 for scientific
monitoring of sediment and
nutrient control structures
36 in the Long Lake area;
\$15,000 for diagnostic work
38 at Madawaska Lake; and
\$82,500 to assist farmers in
40 meeting their share of the
matching funds necessary to
42 draw down federal funds to
construct sediment and
44 nutrient structures in the
Fish River Chain of Lakes
46 Watershed. Also, these funds
shall not lapse but shall
48 carry forward until June 30,
1991.

50
52 **DEPARTMENT OF AGRICULTURE,
FOOD AND RURAL RESOURCES**

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2	TOTAL	\$419,500	\$156,000
4	ATTORNEY GENERAL, DEPARTMENT OF THE		
6	Administration - Attorney General		
8	Personal Services	\$3,673	\$5,076
10	Provides funds to implement		
12	the salary change for the		
14	Attorney General authorized		
16	in Public Law 1989, chapter		
	501, Part O, sections 7 and		
	22, effective September 4,		
	1989.		
18	DEPARTMENT OF THE ATTORNEY		
20	GENERAL		
	TOTAL	<u>\$3,673</u>	<u>\$5,076</u>
22	AUDIT, DEPARTMENT OF		
24	Departmental Bureau (Audit)		
26	Personal Services	\$13,537	\$15,167
28	Provides funds to implement		
30	the salary change for the		
32	State Auditor authorized in		
	Public Law 1989, chapter 501,		
	Part O, sections 7 and 22,		
	effective September 4, 1989.		
34	DEPARTMENT OF AUDIT		
36	TOTAL	<u>\$13,537</u>	<u>\$15,167</u>
38	DEFENSE AND VETERANS' SERVICES,		
40	DEPARTMENT OF		
42	Administration - Maine Emergency		
	Management Agency		
44	All Other	\$340,000	
46	Provides funds for 25% state		
48	share of disaster assistance		
50	for the Maine 1989 flood.		
52	DEPARTMENT OF DEFENSE AND		
	VETERANS' SERVICES	<u> </u>	

COMMITTEE AMENDMENT "A" to S.P. 680, L.D. 1798

2	TOTAL		\$340,000
4	ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF		
6	Business Development		
8	All Other	(\$156,000)	(\$156,000)
10	Provides for the transfer of		
12	funds to the Department of		
14	Agriculture, Food and Rural		
16	Resources, Marketing Services		
18	Program, to support the		
	quality assurance effort for		
	which positions were		
	authorized in Public Law		
	1987, chapter 844.		
20	DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT		
22	TOTAL	<u>(\$156,000)</u>	<u>(\$156,000)</u>
24	ENVIRONMENTAL PROTECTION, DEPARTMENT OF		
26	Administration - Environmental		
28	Protection		
30	All Other	\$2,500	
32	Provides funds for 1/2 the		
34	cost of a structural analysis		
	of the Ray Building.		
36	Administration - Environmental		
38	Protection		
40	All Other	\$80,000	\$83,650
42	Provides funds to cover		
44	unanticipated costs of		
46	environmental enforcement and		
	litigation for which		
	penalties and fines accrue to		
	the General Fund.		
48	Administration - Environmental		
50	Protection		
52	Positions	(1)	(1)
	Personal Services	\$32,060	\$33,517

2 Provides funds for the
 4 transfer of a Public
 Relations Representative from
 6 the Maine Environmental
 Protection Fund to match an
 8 allocation of funds in Part B
 of this Act.

10 Air Quality Control

12	Positions	(4)	(4)
	Personal Services	\$136,565	\$140,898

14
 16 Provides funds for the
 transfer of a Senior
 Meteorologist, a Civil
 18 Engineer I, an Environmental
 Specialist IV and a Clerk IV
 20 from the Maine Environmental
 Protection Fund to match a
 22 deallocation of funds in
 Public Law 1989, chapter 501,
 24 and an allocation of funds in
 Part B of this Act.

26 Land Quality Control

28	Positions	(2)	(2)
30	Personal Services	\$72,285	\$78,165

32 Provides funds for the
 transfer of a Civil Engineer
 34 I and a Division Director of
 Environmental Services from
 36 the Maine Environmental
 Protection Fund to match a
 38 deallocation of funds in
 Public Law 1989, chapter 501.

40 Water Quality Control

42	Positions	(6)	(6)
44	Personal Services	\$223,713	\$228,922

46 Provides funds for the
 transfer of a Clerk IV, a
 48 Civil Engineer II, a
 Biologist III, a Civil
 50 Engineer I and 2
 Environmental Specialist IV
 52 positions from the Maine

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2 Environmental Protection Fund
to match a deallocation of
4 funds in Public Law 1989,
chapter 501, and an
6 allocation of funds in Part B
of this Act.

8 **Solid Waste Management**

10	Positions	(1)	(1)
	Personal Services	\$44,309	\$46,173

12
14 Provides funds for the
transfer of a Civil Engineer
16 II from the Maine
Environmental Protection Fund
to match a deallocation of
18 funds in Public Law 1989,
chapter 501.

20
22 **Administration - Environmental
Protection**

24	Positions	(-1)	(-1)
	Personal Services	(\$19,670)	(\$20,537)

26
28 Deappropriates funds to
reflect the transfer of a
30 Clerk Typist II to the Maine
Environmental Protection Fund
32 as authorized in Public Law
1989, chapter 501.

34 **Air Quality Control**

36	Positions	(-3)	(-3)
	Personal Services	(\$110,783)	(\$117,267)

38
40 Deappropriates funds to
reflect the transfer of 2
42 Assistant Engineers and an
Environmental Specialist II
44 to the Maine Environmental
Protection Fund as authorized
46 in Public Law 1989, chapter
501.

48 **Land Quality Control**

50	Positions	(-9)	(-9)
	Personal Services	(\$230,483)	(\$240,527)

52

COMMITTEE AMENDMENT "A" to S.P. 680, L.D. 1798

2 Deappropriates funds to
 3 reflect the transfer of 4
 4 Environmental Specialist II
 5 positions, one Environmental
 6 Specialist III, 3 Clerk
 7 Typist II positions and one
 8 Clerk Typist I to the Maine
 9 Environmental Protection Fund
 10 as authorized in Public Law
 11 1989, chapter 501.

12 Water Quality Control

14	Positions	(-4)	(-4)
	Personal Services	(\$118,411)	(\$121,996)

16
 17 Deappropriates funds to
 18 reflect the transfer of 2
 19 Environmental Specialist II
 20 positions, one Clerk Typist
 21 II and one Biologist I to the
 22 Maine Environmental Protec-
 23 tion Fund as authorized in
 24 Public Law 1989, chapter 501.

26 Solid Waste Management

28	Positions	(-3)	(-3)
	Personal Services	(\$85,999)	(\$89,584)

30
 31 Deappropriates funds to
 32 reflect the transfer of 2
 33 Environmental Specialist III
 34 positions and one Clerk
 35 Typist II to the Maine
 36 Environmental Protection Fund
 37 as authorized in Public Law
 38 1989, chapter 501.

40 Water Quality Control

42	All Other	\$30,000
	Capital Expenditures	15,000

44	TOTAL	<u>\$45,000</u>
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46
 47 Provides funds for laboratory
 48 analysis for ground and
 49 surface water samples,
 50 methane gas monitoring
 51 equipment and additional
 52 water quality sampling

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2 equipment to verify work
being done by the landfill
4 operator as a result of the
landfill failure at the
Consolidated Waste Services
6 Landfill in Norridgewock.

8 **DEPARTMENT OF ENVIRONMENTAL
PROTECTION**

10 **TOTAL** \$71,086 \$21,414

12 **EXECUTIVE DEPARTMENT**

14 **Administration - Executive -
Governor's Office**

16
18 Positions (1) (1)
Personal Services \$45,500 \$45,500
20 All Other (45,500) (45,500)

22 Provides for the transfer of
funds from All Other to
24 Personal Services and
establishes one position for
the State of Maine Office in
26 Washington, D.C.

28 **EXECUTIVE DEPARTMENT**
TOTAL \$ 0 \$ 0

30 **FINANCE, DEPARTMENT OF**

32 **Administrative Services -
34 Finance**

36 Personal Services \$2,935 \$4,888

38 Provides funds for the
40 proposed reclassification of
a Personnel Officer, Range 24
42 to Personnel Manager, Range
27.

44 **Administrative Services - Finance**

46 Personal Services \$2,935 \$4,888

48 Provides funds for the
reorganization and reclassif-
50 ication of a Chief
Accountant, Range 24 to
52 Director of Finance, Range 27.

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COMMITTEE AMENDMENT "A" to S.P. 680, L.D. 1798

2 **Bureau of the Budget**

4 Personal Services \$13,760 \$14,331

6 Provides funds for
8 implementation of range
changes through the
reorganization of duties.

10

Bureau of Taxation

12

Positions (1)

14 Personal Services \$49,000

All Other 7,000

16 Capital Expenditures 6,000

18 TOTAL \$62,000

20 Provides funds for one
22 additional employee. General
Fund revenue estimates are
24 increased \$300,000 in fiscal
year 1990-91.

26 **DEPARTMENT OF FINANCE**
TOTAL \$19,630 \$86,107

28

MAINE STATE HOUSING AUTHORITY

30

**Housing Opportunities for Maine
32 Fund**

34 All Other \$250,000

36 Provides funds for temporary
38 assistance for people who
danger of becoming homeless
40 through eviction or
foreclosure. Assistance may
42 include short-term loans or
grants for: mortgage
44 payments or other expenses
necessary to prevent
46 foreclosure; security
deposits; rent arrearages;
48 forward rent payments; or
50 other expenses necessary to
prevent eviction or to
52 establish a person in a
rental.

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2 **Housing Opportunities for Maine Fund**

4 All Other \$500,000

6 Provides funds to establish a
8 system of cost reimbursement
10 for sponsors of facilities
12 that provide emergency
14 housing for the homeless.
The funds shall be used to
16 finance the operating budgets
of the facilities and to
allow the sponsors to add
necessary services.

18 **MAINE STATE HOUSING AUTHORITY**
TOTAL \$750,000

20 **HUMAN SERVICES, DEPARTMENT OF**

22 **Child Welfare Services**

24 All Other \$75,000

26 Provides funds for a 3%
28 increase in reimbursement
30 rates to nonprofit group care
32 providers serving children
placed in professional
supervised group homes by the
Department of Human Services.

34 **Purchased Social Services**

36 All Other \$51,000

38 Provides funds to maintain
40 the existing vocal relay
42 service for the deaf and
hearing impaired.

44 **Departmentwide**

46 All Other \$362,500 \$437,175

48 Provides funds for a 1%
50 cost-of-living adjustment for
52 all community provider
agencies that contract with
the department, effective
September 1, 1989.

COMMITTEE AMENDMENT "A" to S.P. 680, L.D. 1798

2	DEPARTMENT OF HUMAN SERVICES		
	TOTAL	<u>\$488,500</u>	<u>\$437,175</u>
4	LEGISLATURE		
6	Legislature		
8	Capital Expenditures	\$66,000	
10	Provides funds for a new roll		
12	call machine for the House of		
14	Representatives.		
16	LEGISLATURE		
	TOTAL	<u>\$66,000</u>	
18	MENTAL HEALTH AND MENTAL		
20	RETARDATION, DEPARTMENT OF		
22	Mental Health Services - Community		
24	All Other	\$142,086	\$171,353
26	Provides funds for a 1%		
28	cost-of-living adjustment for		
	all service providers,		
	effective September 1, 1989.		
30	Mental Retardation Services -		
32	Community		
34	All Other	\$94,260	\$113,678
36	Provides funds for a 1%		
38	cost-of-living adjustment for		
	all service providers,		
	effective September 1, 1989.		
40	Mental Health Services -		
42	Children		
44	All Other	\$43,900	\$52,944
46	Provides funds for a 1%		
48	cost-of-living adjustment for		
	all service providers,		
	effective September 1, 1989.		
50	Mental Health Services -		
52	Community		

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2	All Other	\$20,000	
4	Provides funds for Compeer, Inc. for the recruitment of private citizens to serve as supportive friends to persons with mental illness through the continuation of the Compeer program grant.		
10	DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION		
12	TOTAL	<u>\$300,246</u>	<u>\$337,975</u>
14	TREASURER OF STATE		
16	Administration - Treasury		
18	Personal Services	\$4,255	\$5,210
20	Provides funds to implement the salary change for the State Treasurer authorized in Public Law 1989, chapter 501, Part O, sections 7 and 22, effective September 4, 1989.		
28	TREASURER OF STATE		
30	TOTAL	<u>\$4,255</u>	<u>\$5,210</u>
32	PART A		
32	TOTAL	<u>\$2,550,427</u>	<u>\$908,124</u>

PART B

Allocation. The following funds are allocated from Other Special Revenue funds for the fiscal years ending June 30, 1990, and June 30, 1991, to carry out the purposes of this Act.

40		1989-90	1990-91
42	ENVIRONMENTAL PROTECTION, DEPARTMENT OF		
46	Maine Environmental Protection Fund		
48	Personal Services	\$39,602	\$37,985
50	Allocates funds to correct position transfers to the		
52			

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COMMITTEE AMENDMENT "A" to S.P. 680, L.D. 1798

2 General Fund in Public Law
1989, chapter 501, and to
4 match funds to position
transfers in Part A and
6 provides for the transfer of
one Civil Engineer II, one
8 Public Relations Representa-
tive and 2 Clerk IV positions
10 instead of one Civil Engineer
I, 2 Environmental Specialist
12 IV positions and one Division
Director.

14 **Maine Environmental Protection
Fund**

16	Personal Services	\$19,670	\$20,537
18	Allocates funds to correct		
20	position transfers from		
22	General Fund in Public Law		
24	1989, chapter 501, and to		
	match funds to position		
	transfers in Part A.		

26 **DEPARTMENT OF ENVIRONMENTAL
PROTECTION**

28	TOTAL	<u>\$59,272</u>	<u>\$58,522</u>
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30 **PART B
TOTAL**

	<u>\$59,272</u>	<u>\$58,522</u>
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34 **PART C**

36 **Sec. 1. 4 MRSA §4, sub-§2**, as repealed and replaced by PL
38 1989, c. 501, Pt. O, §§9 and 22, is repealed and the following
enacted in its place:

40 **2. Associate justice; salary. Each Associate Justice of**
42 **the Supreme Judicial Court shall receive a salary as follows:**

44 **A. For fiscal year 1989-90 and thereafter, \$80,392.**

46 **Sec. 2. 4 MRSA §102, sub-§2**, as repealed and replaced by PL
48 1989, c. 501, Pt. O, §§12 and 22, is repealed and the following
enacted in its place:

50 **2. Associate justice; salary. Each Justice of the Superior**
52 **Court shall receive a salary as follows:**

A. For fiscal year 1989-90 and thereafter, \$76,024.

Sec. 3. 4 MRSA §157, sub-§4, as repealed and replaced by PL 1989, c. 501, Pt. O, §§15 and 22, is repealed and the following enacted in its place:

4. Associate judge; salary. Each Associate Judge of the District Court shall receive a salary as follows:

A. For fiscal year 1989-90 and thereafter, \$72,983.

Sec. 4. PL 1989, c. 501, Pt. A, §1, under the caption "JUDICIAL DEPARTMENT", under that first part related to "Courts - Supreme, Superior, District and Administrative", is amended to read:

**Courts - Supreme, Superior,
District and Administrative**

Personal Services	<u>\$178,300</u>	<u>\$254,800</u>
		<u>\$216,400</u>

Provides funds for a salary increase of 4% effective ~~December-3,-1990~~ September 4, 1989, plus related retirement costs for the justices and judges.

Sec. 5. PL 1989, c. 501, Pt. A, §1, under the caption "JUDICIAL DEPARTMENT", under that 3rd part related to "Courts - Supreme, Superior, District and Administrative", is amended to read:

**Courts - Supreme, Superior,
District and Administrative**

Personal Services	<u>\$83,300</u>	<u>\$60,000</u>
		<u>\$100,000</u>

Provides funds to increase the per diem compensation for active retired justices and judges beginning ~~December-3,~~ 1990 September 4, 1989.

Sec. 6. PL 1989, c. 501, Part A, §1, under the caption "JUDICIAL DEPARTMENT", the last 2 lines are amended to read:

JUDICIAL DEPARTMENT		
TOTAL	<u>\$161,158</u>	<u>\$1,126,794</u>
	<u>\$422,758</u>	<u>\$1,128,394</u>

**Maine Vocational-Technical Institute
System - Board of Trustees**

4	All Other	\$585,478	\$1,244,585
6	Provides funds for the		
	implementation of the		
8	economic items included in		
	the collective bargaining		
10	agreements between the Board		
	of Trustees of the Maine		
12	Vocational-Technical		
	Institute System and the		
14	Maine Teachers Association		
	for the faculty and adminis-		
16	trative staff bargaining		
	units.		

**BOARD OF TRUSTEES OF THE MAINE
VOCATIONAL-TECHNICAL INSTITUTE
SYSTEM**

22	TOTAL	\$585,478	\$1,244,585
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24	PART D TOTAL	\$ 0	\$ 0
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PART E

28
30 **Sec. 1. 20-A MRSA §6004, sub-§2, ¶C**, as enacted by PL 1989, c. 534, Pt. E, §2, is repealed.

32 **Sec. 2. 20-A MRSA §15612, sub-§12**, as enacted by PL 1989, c. 534, Pt. E, §3, is amended to read:

34
36 12. Low-income student adjustment; legislative intent. A
38 In fiscal year 1989-90, a municipality that is a member of a
40 school administrative unit that receives less than the statewide
42 average subsidy of 56.65% of its allocation for operating costs
44 from the State in fiscal year 1989-90 shall be eligible for a
46 low-income student adjustment. In fiscal year 1990-91 and in
48 succeeding fiscal years, a municipality that is a member of a
50 school administrative unit in which the state share percentage
52 for the unit's allocation for operating costs is less than the
state share percentage of the total allocation shall be eligible
for a low-income student adjustment. For the purposes of this
subsection, the member of a municipal school unit is the single
municipality for which that municipal school unit operates.
Funds received by the unit municipality shall be used to reduce
property tax collections required by the unit municipality during
its current fiscal year or during the following fiscal year to
meet its local share of education costs. The amount of each
municipality's adjustment will be a portion of the calculated

2 amount specified in paragraphs A through C for each school
3 administrative unit of which the municipality is a member. If
4 the municipality is a member of a municipal school unit, the
5 municipality's adjustment is 100% of the calculated amount for
6 that municipal school unit. If the municipality is a member of a
7 school administrative district or a community school district,
8 the municipality's adjustment is that percentage of the
9 district's calculated amount that is used in the district's cost
10 sharing agreement to determine that municipality's annual
11 assessment for the district's budget. State funds provided for
12 this adjustment shall be limited to the amount appropriated by
13 the Legislature for this purpose. The amount due to each
14 municipality shall be provided as a single payment. For the
15 fiscal year during which the municipality appropriates these
16 adjustment funds, the legislative body of the municipality will
17 identify the amount, source and purpose of this adjustment.

18 A. A The calculated amount for a school administrative unit
19 that receives between 0% and 24.99% state subsidy share
20 percentage for operating costs shall receive--an--adjustment
21 be equal to \$100 times the student pupil count as--adjusted
22 by--section-6004,--subsection-2, specified in paragraph C D.

24 B. A The calculated amount for a school administrative unit
25 that receives between 25% and 44.99% state subsidy share
26 percentage for operating costs shall receive--an--adjustment
27 be equal to \$50 times the student pupil count as--adjusted--by
28 section-6004,--subsection-2, specified in paragraph C D.

30 C. A The calculated amount for a school administrative unit
31 that receives between 45% and 56.65% state subsidy share
32 percentage for operating costs in fiscal year 1989-90, and
33 the calculated amount for a school administrative unit that
34 receives between 45% and the state share percentage of the
35 total allocation for that year's state subsidy shall receive
36 an adjustment equal to \$25 times the student pupil count as
37 adjusted--by--section--6004,--subsection--2, specified in
38 paragraph C D.

40 D. The pupil count used for each unit's calculation is the
41 sum of:

42 (1) The average of the April 1st and October 1st
43 counts in the most recent calendar year of all resident
44 elementary and secondary pupils of the unit; and

45 (2) Twenty percent of the most recent count of
46 students in the unit who are eligible to receive a free
47 or reduced price meal under the federal school lunch
48 program.
49
50

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COMMITTEE AMENDMENT "A" to S.P. 680, L.D. 1798

Sec. 3. Appropriation. The following funds are appropriated from the General Fund for the fiscal year ending June 30, 1990, to carry out the purposes of this Part.

1989-90

FINANCE, DEPARTMENT OF

Property Tax Relief Reserve Fund

Unallocated \$57,425

Provides funds to meet the distribution requirements of Public Law 1989, chapter 534 and the changes included in this Part.

Sec. 4. Allocation. The following funds are allocated from the Property Tax Relief Reserve Fund for the fiscal year ending June 30, 1990, to carry out the purposes of this Part.

1989-90

EDUCATIONAL AND CULTURAL SERVICES, DEPARTMENT OF

Block Grants to Municipalities

All Other \$57,425

Provides funds to meet the distribution requirements of Public Law 1989, chapter 534 and the changes included in this Part.

PART F

Sec. 1. 5 MRSA §12004-I, sub-§49-A is enacted to read:

49-A. Human Maine Hospice Expenses Only 22 MRSA Services: Hospices Council §8611

Sec. 2. 22 MRSA, c. 1680 is enacted to read:

CHAPTER 1680

MAINE HOSPICE COUNCIL

§8611. Maine Hospice Council established

The Maine Hospice Council is established to coordinate a statewide hospice program of training, education and advocacy as a body politic and a public instrumentality of the State. For

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COMMITTEE AMENDMENT "A" to S.P. 680, L.D. 1798

the purposes of this chapter, "council" means the Maine Hospice Council.

§8612. Rule-making authority

The council has the authority to adopt rules as necessary in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, to carry out its responsibilities.

§8613. Meetings

The council shall meet at least once a year. Special meetings shall be held as deemed necessary by the council. The minutes of all proceedings of the council shall be a public record available and on file in the office of the council. Members of the council shall be compensated according to the provisions of Title 5, chapter 379.

§8614. Council budget; financing; executive director

The council shall prepare and adopt a biennial budget for presentation to the Governor and the Legislature as a request for appropriations sufficient to carry out its responsibilities. The council may accept contributions of any type from any source to assist it in carrying out its responsibilities and to make arrangements regarding the administration of these funds as may be required as a condition precedent to the receipt of these funds by the Federal Government or any other source.

The council may employ an executive director who shall be the principal administrative and executive employee of the council. The executive director may hire staff as necessary to carry out the responsibilities for the coordination of all affairs of the council including, but not limited to, the training and education of volunteers, health care professionals and the general public. The executive director is also responsible for advocacy on behalf of community hospices throughout the State. The executive director may obtain office space, goods and services as required to carry out these responsibilities.

PART G

Sec. 1. 12 MRSA §685-B, sub-§2, ¶B, as amended by PL 1987, c. 771, §1, is further amended to read:

B. The fee prescribed by the commission rules, such fee to be ~~the greater of \$10 or 1/10~~ a minimum of \$25 but no greater than 2/10 of 1% of the total construction costs. Zoning petitions submitted by other than a state or federal agency will range from \$50 to \$500 depending on size and

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complexity. The fees shall apply to all amendments except for minor changes to building permits; and

Sec. 2. Maine Land Use Regulation Commission; fee schedules. The Maine Land Use Regulation Commission shall report any revised fee schedule to the Joint Standing Committee on Energy and Natural Resources during the Second Regular Session of the 114th Legislature.

PART H

38 MRSA §2201, as enacted by PL 1989, c. 585, Pt. A, §7, is amended to read:

§2201. Maine Solid Waste Management Fund established

The Maine Solid Waste Management Fund, referred to in this section as the "fund," is established as a nonlapsing fund to support programs administered by the Maine Waste Management Agency and the Department of Environmental Protection. The fund shall be segregated into 2 subsidiary accounts. The first subsidiary account, which shall be called the operations account, shall receive all fees established and received under article 1 ~~and shall be used solely for the development and operation of publicly owned facilities owned or approved by the agency and for the repayment of any obligations of the agency incurred under article 3.~~ The 2nd subsidiary account, which shall be called the administrative--account administration, shall receive all fees established under this article and under Title 36, chapter 719. ~~All administrative expenses directly related to the agency's and the department's programs shall be charged to this account.~~

Money in the fund not currently needed to meet the obligations of the agency shall be deposited with the Treasurer of State to the credit of the fund and may be invested as provided by law. Interest on these investments shall be credited to the fund.

~~Money in the administrative--account~~ Funds related to administration may only be expended in accordance with allocations approved by the Legislature for administrative expenses directly related to the agency's and the department's programs. Funds related to operations may only be expended in accordance with allocations approved by the Legislature and solely for the development and operation of publicly owned facilities owned or approved by the agency and for the repayment of any obligations of the agency incurred under article 3. These allocations shall be based on estimates of the actual costs necessary for the agency and the department to administer their programs, to provide financial assistance to regional associations and to provide other financial assistance necessary to accomplish the purposes of this chapter. Beginning in the

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fiscal year ending on June 30, 1991 and thereafter, the fund shall annually transfer to the General Fund an amount necessary to reimburse the costs of the Bureau of Taxation incurred in the administration of Title 36, section 5219-C and Title 36, chapter 719 and an amount equal to the General Fund revenues lost as the result of Title 36, section 5219-C. Allowable expenditures include "Personal Services," "All Other" and "Capital Expenditures" associated with all agency activities other than those included in the operations account.

PART I

Sec. 1. Transfer to Treat Me Right Program. Balances in the Keep Maine Scenic dedicated revenue account as of the year ended June 30, 1989, shall be transferred to a dedicated revenue account established as the Treat Me Right Program in the Department of Conservation for the one-time purpose of enhancing access opportunities on private land.

Sec. 2. Allocation. The following funds are allocated from Other Special Revenue funds for the fiscal year ending June 30, 1990, to carry out the purposes of this Part.

1989-90

CONSERVATION, DEPARTMENT OF

Treat Me Right Program

All Other \$9,268

Allocates funds transferred from the Keep Maine Scenic Program in accordance with this Part.

PART J

Sec. 1. 36 MRS §5111, sub-§4 is enacted to read:

4. Additional tax. Additionally, a tax is imposed for each taxable year beginning on or after January 1, 1989, on the Maine adjusted gross income of every nonresident individual. The amount of the tax shall equal the tax computed under this section and chapter 805, as if the nonresident were a resident, less applicable tax credits other than that provided by section 5217-A, and multiplied by the ratio of the individual's Maine adjusted gross income, as defined in section 5102, subsection 1-C, paragraph B, to the nonresident's entire federal adjusted gross income, as modified by section 5122.

Sec. 2. 36 MRS §5111, last ¶, as repealed and replaced by PL 1989, c. 495, §1, is repealed.

2 **Sec. 3. 36 MRSA §5121**, as repealed and replaced by PL 1987,
c. 819, §4, is repealed and the following enacted in its place:

4 **§5121. Taxable income**

6 The entire taxable income of a resident individual of this
8 State shall be that individual's federal adjusted gross income as
10 defined by federal law, as amended, less the deductions and
 personal exemptions provided in this chapter.

12 **Sec. 4. 36 MRSA §5165**, as amended by PL 1987, c. 504, §17, is
further amended to read:

14 **§5165. Credit for income tax of another state**

16 A resident estate or trust shall be allowed the credit
18 provided by section 5217 5217-A, except that the limitation shall
be computed by reference to the taxable income of the estate or
20 trust.

22 **Sec. 5. 36 MRSA §5224-A**, as amended by PL 1987, c. 504, §36,
is further amended to read:

24 **§5224-A. Return of part-year resident**

26 If an individual changes his that individual's status as a
28 resident individual or nonresident individual during his the
taxable year, he the individual shall file a nonresident return
30 pursuant to section 5220, subsection 2. His That individual's
tax shall be computed, pursuant to section 5111, subsection 4, as
32 if he that individual were a nonresident individual, except that
the numerator of the apportionment ratio shall be comprised of
34 his the individual's Maine adjusted gross income, as defined in
section 5102, subsection 1-C, paragraph A, for the portion of the
36 taxable year during which he that individual was a resident
individual, plus his that individual's Maine adjusted gross
38 income as defined in section 5102, subsection 1-C, paragraph B,
for the portion of the taxable year during which he that
40 individual was a nonresident individual. The part-year resident
shall also be entitled to the credit provided by section 5217
42 5217-A, computed as if the individual's Maine adjusted gross
income for the entire year were comprised only of that portion
44 which is attributed to the portion of the year during which he
that individual was a resident individual.

46 **Sec. 6. 36 MRSA §5256, sub-§2**, as amended by PL 1989, c. 508,
48 §22, is further amended to read:

50 2. **Change of taxable year.** If a taxpayer's taxable year is
changed for federal income tax purposes, the taxable year for
52 purposes of the tax imposed by this Part shall be similarly

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changed. The income tax for a period of less than 12 months resulting from a change in accounting period is computed by first determining the taxable income for the period. That taxable income is then multiplied by 12 and divided by the number of months in the period of less than 12 months. A tax is computed on the resulting taxable income. The tax is then divided by 12 and multiplied by the number of months in the period of less than 12 months. The result is the tax liability before credits. For individuals, ~~the standard deduction tax credit and the exemption credit amounts shall be reduced by dividing them by 12 and multiplying them by the number of months in the period of less than 12 months.~~ Itemized deductions for the period of less than 12 months shall be reduced as provided in section 5125, subsection 3, paragraph A, subparagraph (3), except that the amount established by the Code, Section 63(c) shall be divided by 12 and multiplied by the number of months in the period of less than 12 months. Standard deduction and personal exemption amounts shall be divided by 12 and multiplied by the number of months in the period of less than 12 months.

Sec. 7. PL 1989, c. 495, §9 is enacted to read:

Sec. 9. Effective date. Sections 1 to 4 of this Act shall be effective for tax years beginning on or after January 1, 1989.

PART K

Authorization of the lease with option to purchase or lease-purchase of highway maintenance equipment and motor vehicles. Approval as required by the Maine Revised Statutes, Title 5, section 1587, is given to the Department of Transportation to enter into lease with option to purchase or lease-purchase financing arrangements for highway maintenance equipment and motor vehicles, with an outright purchase price not to exceed \$12,500,000. The estimated rate of interest is 6.35% for 5-year serial notes or certificates of participation, for an estimated total interest cost of \$2,381,250. The department and its agencies shall finance the cost with funds designated as "All Other" within their regular budgets.

PART L

Transfer to the Rainy Day Fund. After the State Controller officially closes the financial accounts of the State for the year ended June 30, 1989, an amount not to exceed \$2,500,000 shall be transferred to the Rainy Day Fund from the fund balance remaining in the General Fund after the deduction of all appropriations, financial commitments or other designated funds.

PART M

20-A MRSA §12501, sub-§1-A, as amended by PL 1989, c. 414, §21, is further amended to read:

1-A. College students. "College students" means those students who were graduated from a Maine high school and are residents of Maine at the time they graduated from high school or who did not graduate from a Maine high school but have been residents of Maine for 5 years and are attending an institution of higher education on a full-time basis at the time of application for program participation.

PART N

Sec. 1. 4 MRSA §1603, sub-§7, as enacted by PL 1987, c. 438, §1, is amended to read:

7. Project, projects or part of any project. "Project, projects or part of any project" means the acquisition, construction, improvement, reconstruction or equipping of, or construction of an addition or additions to, any structure designed for use as a court facility. The structure may include facilities for the use of court-related agencies of state, county or local government such as, but not limited to, public prosecutors' offices and probation and parole offices. "Project, projects or part of any project" includes all real and personal property, lands, improvements, driveways, roads, approaches, pedestrian access roads, parking lots, parking facilities, rights-of-way, utilities, easements and other interests in land, machinery and equipment and all appurtenances and facilities either on, above or under the ground which are used or usable in connection with the structure, and also includes landscaping, site preparation, furniture, machinery, equipment and other similar items necessary or convenient for the operation of a particular facility or structure in the manner for which its use is intended. "Project, projects or part of any project" does not include such items as fuel, supplies or other items which are customarily considered as a current operating charge.

Sec. 2. 5 MRSA §1742, sub-§19, as amended by PL 1985, c. 340, is further amended to read:

19. Facilities required by State. To lease or approve the leasing or approve the improvement of grounds, buildings, facilities and office space, except as provided in this subsection, required by departments and agencies of the State Government. No lease may be for a period of more than 20 years. The Finance Authority of Maine and the Maine State Housing Authority may not purchase, lease or rent real property for their office space without the prior written approval of the Governor. The Maine State Retirement System may not purchase, lease or rent real property without the prior written approval of the Governor.

2 **Sec. 3. 5 MRSA §1743**, as amended by PL 1985, c. 785, Pt. A,
§69, is further amended to read:

4 **§1743. Competitive bids**

6 Any contract for any public improvement in which the State
or any of its agencies hold in fee ~~or-by-lease-hold-interest~~,
8 except contracts for professional, architectural and engineering
services, shall be awarded by the Department of Administration
10 through the Bureau of Public Improvements, under a system of
competitive bidding in accordance with chapters 141 to 155 and
12 such other conditions and restrictions as the Governor may from
time to time prescribe.

14 **Sec. 4. 26 MRSA §979-D, sub-§1, ¶E**, as amended by PL 1985, c.
16 785, Pt. B, §117, is further amended to read:

18 E. To confer and negotiate in good faith:

20 (1) To confer and negotiate in good faith with respect
to wages, hours, working conditions and contract
22 grievance arbitration, except that by such obligation
neither party shall be compelled to agree to a proposal
24 or be required to make a concession. All matters
relating to the relationship between the employer and
26 employees shall be the subject of collective
bargaining, except those matters which are prescribed
28 or controlled by public law. Such matters appropriate
for collective bargaining to the extent they are not
30 prescribed or controlled by public law include but are
not limited to:

32 (a) Wage and salary schedules to the extent they
34 are inconsistent with rates prevailing in commerce
and industry for comparable work within the State;

36 (b) Workschedules relating to assigned hours and
38 days of the week;

40 (c) Use of vacation or sick leave, or both;

42 (d) General working conditions;

44 (e) Overtime practices;

46 (f) Rules for personnel administration, except
the following: Rules relating to applicants for
48 employment in state service and classified
employees in an initial probationary status,
50 including any extensions thereof, provided such
rules are not discriminatory by reason of an

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applicant's race, color, creed, sex or national origin;

(g) Compensation system for state employees, which is defined as:

(i) Guide charts, if any, and job evaluation factors, including factor language and factor weights, used to evaluate jobs for pay purposes;

(ii) Job point to pay grade conversion tables;

(iii) The number of and spread between pay steps within pay grades;

(iv) The number of and spread between pay grades within the system; and

(v) Temporary payment of recruitment and retention stipends, provided the stipends are allowed under Civil Service Law;

(h) The nature of and procedures governing appeals of the allocation or reallocation of job classifications to pay grades resulting from any revisions to the compensation system; and

(i) Implementation of any revisions to the compensation system.

(2) Subparagraph (1), shall not be construed to be in derogation of or contravene the spirit and intent of the merit system principles and personnel laws.

(3) Cost items shall be submitted for inclusion in the Governor's next operating budget within 10 days after the date on which the agreement is ratified by the parties. If the Legislature rejects any of the cost items submitted to it, all cost items submitted shall be returned to the parties for further bargaining. Cost items related to a collective bargaining agreement reached under this chapter and submitted to the Legislature for its approval under this subparagraph shall not be submitted in the same legislation that contains cost items for employees exempted from the definition of "state employee" under section 979-A, subsection 6, and employees of the legislative branch, except that cost items for those employees exempted under section 979-A, subsection 6, paragraphs E and F, need not be excluded.

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2 (4) Collective bargaining over the subjects described
4 in subparagraph (1), divisions (g), (h) and (i), is
subject to the following.

6 (a) Subparagraph (1), division (g), shall not be
8 construed to authorize any more than one system
10 for evaluating jobs of state employees in
bargaining units recognized under this chapter.

12 (b) Either the public employer or the bargaining
14 agents may compel the other party to bargain
16 collectively over the subjects described in
18 subparagraph (1), divisions (g), (h) and (i),
20 provided that bargaining over those subjects may
not be compelled by either the public employer or
the bargaining agents sooner than 10 years after
the parties' last agreement to revise the
compensation system made pursuant to a demand to
bargain.

22 (c) During the periods of time described in
24 division (b), when the subjects described in
subparagraph (1), divisions (g), (h) and (i), are
26 not mandatory subjects of bargaining, they shall
be permissive subjects of bargaining.

28 (d) Bargaining over the subjects described in
30 subparagraph (1), divisions (g), (h) and (i),
shall be conducted separately and apart from
32 bargaining with individual bargaining agents over
all other negotiable subjects and shall be
34 conducted within a committee composed of
representatives of management and of the
bargaining units recognized under this chapter.

36 (e) The labor representatives on the committee
38 shall consist of equal numbers of representatives
40 from each of the bargaining units recognized under
this chapter. Each bargaining unit shall have one
42 vote, regardless of the number of representatives,
on any matter addressed by the committee. The
44 labor position on any matter addressed by the
committee shall be established by majority vote of
46 the units recognized under this chapter. A
majority vote of the units is necessary to
48 initiate bargaining over the matters described in
subparagraph (1), divisions (g), (h) and (i).

50 (f) Notwithstanding the time frame provided in
52 subparagraph (3), cost items resulting from
revisions to the compensation system may only be

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submitted to the Legislature for funding after all appeals from the allocation or reallocation of job classifications under the revised system have been finally decided. The cost items relating to an individual bargaining unit shall be submitted to the Legislature for funding as part of the next legislation submitted pursuant to subparagraph (3) to fund a collective bargaining agreement between the State and that bargaining unit.

(g) Bargaining over the subjects described in subparagraph (1), divisions (g), (h) and (i), shall be subject to the dispute resolution procedures of subsections 2, 3 and 4. For purposes of subsection 4, paragraph D, controversies over the subjects described in subparagraph (1), divisions (g), (h) and (i), shall be deemed "controversies over salaries."

(5) Nothing in this chapter may be construed to exclude from the scope of collective bargaining the subjects described in subparagraph (1), divisions (g), (h) and (i).

Sec. 5. 26 MRSA §1026, sub-§1, as amended by PL 1985, c. 737, Pt. A, §65, is further amended to read:

1. Negotiations. It shall be the obligation of the university, academy, vocational-technical institutes or state schools for practical nursing and the bargaining agent to bargain collectively. "Collective bargaining" means, for the purpose of this chapter, their mutual obligation:

- A. To meet at reasonable times;
- B. To meet within 10 days after receipt of written notice from the other party requesting a meeting for collective bargaining purposes, provided the parties have not otherwise agreed in a prior written contract;
- C. To confer and negotiate in good faith with respect to wages, hours, working conditions and contract grievance arbitration, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession;
- D. To execute in writing any agreements arrived at, the term of any such agreement to be subject to negotiation, but not to exceed 3 years; and
- E. To participate in good faith in the mediation, fact finding and arbitration procedures required by this section.

COMMITTEE AMENDMENT "A" to S.P. 680, L.D. 1798

2 Cost items in any collective bargaining agreement of
 4 vocational-technical institutes employees shall be submitted for
 inclusion in the Governor's next operating budget within 10 days
 6 after the date on which the agreement is ratified by the
 parties. If the Legislature rejects any of the cost items
 8 submitted to it, all cost items submitted shall be returned to
 the parties for further bargaining. Cost items shall include
 salaries, pensions and insurance. Cost items related to a
 10 collective bargaining agreement reached under this chapter and
 12 submitted to the Legislature for its approval under this
subsection shall not be submitted in the same legislation that
 14 contains cost items for employees exempted from the definition of
"vocational-technical institute employee" under section 1022,
 16 subsection 11, except that cost items for those employees
exempted under section 1022, subsection 11, paragraph D, need not
be excluded.

18 **Sec. 6. 26 MRSA §1285, sub-§1, ¶E**, as enacted by PL 1983, c.
 20 702, is amended to read:

22 E. To confer and negotiate in good faith with respect to
 24 wages, hours, working conditions and contract grievance
 arbitration, except that by such obligation neither party
 26 may be compelled to agree to a proposal or be required to
 make a concession. All matters relating to the relationship
 28 between the employer and employees shall be the subject of
 collective bargaining, except those matters which are
 30 prescribed or controlled by law. Such matters appropriate
 for collective bargaining, to the extent they are not
 32 prescribed or controlled by law, include, but are not
 limited to:

34 (1) Wage and salary schedules to the extent they are
 36 inconsistent with rates prevailing in commerce and
 industry for comparable work within the State;

38 (2) Work schedules relating to assigned hours and days
 of the week;

40 (3) Use of vacation or sick leave, or both;

42 (4) General working conditions;

44 (5) Overtime practices; and

46 (6) Rules for personnel administration, except for
 48 rules relating to applicants for employment and
 employees in an initial probationary status, including
 50 any extensions thereof, provided that the rules are not
 discriminatory by reason of an applicant's race, color,
 52 creed, sex or national origin.

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2 Cost items shall be included in the Judicial Department's
4 next operating budget in accordance with Title 4, section
6 24. If the Legislature rejects any of the cost items
8 submitted to it, all cost items submitted shall be returned
10 to the parties for further bargaining. Cost items related
12 to a collective bargaining agreement reached under this
14 chapter and submitted to the Legislature for its approval
under this subsection shall not be submitted in the same
legislation that contains cost items for employees exempted
from the definition of "judicial employee" under section
1282, subsection 5, except that cost items for employees
exempted under section 1282, subsection 5, paragraphs F and
G, need not be excluded.

16 Sec. 7. P&SL 1989, c. 69, §5, sub-§7 is amended by adding at the
18 end a new sentence to read:

20 This subsection shall be retroactive to June 1, 1988, to provide
22 direct matching grants to those school districts that have
already incurred costs in the removal of obsolete and hazardous
chemicals from schools.

24 Sec. 8. PL 1989, c. 501, Pt. A, under the caption "JUDICIAL
26 DEPARTMENT", in the 4th part relating to "Courts - Supreme, Superior,
District and Administrative" is amended to read:

28 **Courts - Supreme, Superior,
District and Administrative**

30	Positions	(5)	(5)
32	Personal Services	\$75,000	\$100,000

34 Provides funds for 5
36 additional ~~District~~--Court
court clerks to meet
38 increased caseload.

40 Sec. 9. PL 1989, c. 564, §5 is enacted to read:

42 Sec. 5. Effective date. Sections 1, 2 and 3 of this Act shall
take effect on July 1, 1990.

44 **PART O**

46 Sec. 1. 5 MRSA §1813, sub-§6, as amended by PL 1987, c. 395,
Pt. A, §21, is further amended to read:

48 6. Surplus property. Providing for transfer of supplies,
50 materials and equipment which are surplus from one state
department or agency to another which may need them, and for the
52 disposal by private and public sale of supplies, materials and

2 equipment which are obsolete and unusable; provided, however,
 4 that if any political subdivision in the State or any educational
 6 institution or homeless shelter sponsor enumerated in section
 8 1813-A requests to purchase any such obsolete and unusable items,
 10 then the disposal shall be by private sale to that political
 12 subdivision, homeless shelter sponsor or educational institution;
 14 that equipment to be retained for a period of at least one year
 16 in a current ongoing program. Any item purchased by a political
 18 subdivision, homeless shelter sponsor or educational institution
 under this section shall not be sold or transferred by that
 political subdivision, homeless shelter sponsor or educational
 institution for a period of 6 months from the date of the private
 sale and the State reserves the right to refuse to sell
 additional equipment to a political subdivision, homeless shelter
 sponsor or educational institution if it is determined that the
 political subdivision, homeless shelter sponsor or educational
 institution has not retained the equipment for the required
 period of 6 months;

20 **Sec. 2. 5 MRSA §1813-A**, as amended by PL 1985, c. 785, Pt. A,
 22 §74, is repealed and the following enacted in its place:

24 **§1813-A. Sale of surplus property**

26 **1. Definitions.** As used in this chapter, unless the
context otherwise indicates, the following terms have the
 28 following meanings.

30 **A. "Educational institution"** means any public elementary or
secondary school, any elementary or secondary private school
approved for tuition whose school enrollment is at least 60%
 32 publicly funded students as determined by the previous
school year's October to April average enrollment, any
 34 nonpublic post-secondary school or any vocational region.

36 **B. "Homeless shelter sponsor"** means a public or private
 38 nonprofit entity that owns or operates a project or facility
for the homeless.

40 **2. Surplus property.** Pursuant to this chapter and rules
 42 promulgated under section 1813, the Department of Administration
through the Bureau of Purchases shall allow private sales of
 44 surplus property to homeless shelter sponsors and to educational
institutions.

46 **PART P**

48 **Benefit increases.** The Executive Director of the Legislative
 50 Council is authorized to make necessary provisions to extend
 52 increases in benefits to Legislators that are comparable to the
 benefit increases granted to state employees under the most
 recent collective bargaining agreement.

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Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved, except that Part J, sections 3 and 6 shall be effective for tax years beginning on or after January 1, 1989, and Part J, sections 1, 2, 4 and 5 shall take effect on April 26, 1987.

FISCAL NOTE

APPROPRIATIONS AND ALLOCATIONS

	1989-90	1990-91	TOTAL
GENERAL FUND APPROPRIATIONS			
PART A	\$2,550,427	\$908,124	\$3,458,551
PART C	261,600	1,600	263,200
PART D	-0-	-0-	-0-
PART E, Section 3	57,425	-0-	57,425
TOTAL - GENERAL FUND	<u>\$2,869,452</u>	<u>\$909,724</u>	<u>\$3,779,176</u>
OTHER SPECIAL REVENUE FUNDS ALLOCATIONS			
PART B	\$59,272	\$58,522	\$117,794
PART I, Section 2	9,268	-0-	9,268
TOTAL - OTHER SPECIAL REVENUE FUNDS	<u>\$68,540</u>	<u>\$58,522</u>	<u>\$127,062</u>
PROPERTY TAX RELIEF RESERVE FUND ALLOCATIONS			
PART E, Section 4	\$57,425	-\$0-	\$57,425
TOTAL - PROPERTY TAX RELIEF RESERVE FUND	<u>\$57,425</u>	<u>-\$0-</u>	<u>\$57,425</u>
GENERAL FUND REVENUE	\$-0-	\$300,000	\$300,000'

STATEMENT OF FACT

This amendment makes supplemental appropriations and allocations and makes other changes necessary to the proper operations of State Government.