

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2418

H.P. 1755

House of Representatives, March 8, 1990

Reported by Representative CARTER for the Joint Standing Committee on Appropriations and Financial Affairs pursuant to Public Law 1989, chapter 501, Part P, section 46.

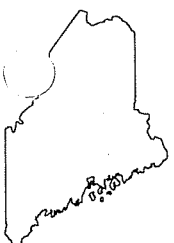
Reference to the Joint Standing Committee on Appropriations and Financial Affairs suggested and printing ordered under Joint Rule 18.


EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

**An Act to Implement Certain Recommendations of a Subcommittee of
the Joint Standing Committee on Appropriations and Financial Affairs.**



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

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4 Sec. 1. 3 MRSA §521-A is enacted to read:

6 §521-A. Federal and Dedicated Funds Subcommittee

8 The joint standing committee of the Legislature having
10 jurisdiction over appropriations and financial affairs is
12 authorized to establish the Federal and Dedicated Funds
14 Subcommittee for the following purposes:

16 1. Research. To examine and conduct research on new and
18 expanded federal fund budget requests and to report all findings
20 and recommendations to the committee;

22 2. Data. To compile historical and program data on federal
24 and dedicated fund programs in a report format for use by the
26 committee;

28 3. Monitor. To monitor federal budgeting activities; and

30 4. Special studies. To conduct special studies on federal
32 and dedicated fund issues as needed.

34 The committee chairs shall appoint 5 subcommittee members
36 and select one subcommittee member to serve as subcommittee chair
38 for that legislative biennium. The subcommittee may meet monthly
40 or as often as is determined necessary. Members of the
42 subcommittee are entitled to receive the legislative per diem and
44 to be reimbursed for expenses as defined in section 2 upon
46 application to the Executive Director of the Legislative Council.

48 Sec. 2. 5 MRSA §1581 is amended to read:

50 §1581. Form of appropriation bill

The ~~general-fund~~ General Fund appropriation bill provided
for in section 1664 shall ~~shall~~ must be drawn so as to authorize the
appropriation to be made to each department or agency of the
State Government for each fiscal year of the biennium. Such ~~The~~
appropriation shall ~~shall~~ must provide specific amounts for personal
services, capital expenditures and amounts for all other
departmental expenses. Appropriations for the acquisition of
property shall ~~shall~~ must be in such detail under each department or
agency as the Governor-elect or the Governor shall ~~determine~~
determines. Such ~~The~~ appropriations shall ~~may~~ not be segregated
in greater detail than the major classes or projects for which
they are expendable during each fiscal year of the biennium. ~~In~~
the first regular session of each Legislature, the Governor shall
present funding requests that distinguish between current
services and new and expanded services, as defined in section

1661, for all funding sources including the General Fund, Highway Fund, Federal Expenditure Fund, Federal Block Grant Fund, Other Special Revenue funds and any other funds of the State.

Sec. 3. 5 MRSA §1583, as amended by PL 1977, c. 696, §42, is repealed and the following enacted in its place:

§1583. Exceeding appropriation, allocation and authorized available resources prohibited

Any agent, officer or employee of the State who either affixes a written signature or a facsimile or uses an electronic signature to authorize expenditures, to make legally binding commitments or to establish written policy and procedure which in the aggregate exceed the resources approved by the Legislature and authorized by law for a fiscal year for an appropriation or allocation account is personally liable for the amount in excess of those resources. If a commissioner, an agency head or other state official determines that the resources made available to an appropriation or allocation account will be insufficient to implement or to continue a program authorized and funded by the Legislature, the commissioner, agency head or other state official must take the steps necessary to stay within the resources available. If a decision is made to curtail a program, the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs must be notified 30 working days before the curtailment goes into effect.

Sec. 4. 5 MRSA §1661, as amended by PL 1987, c. 402, Pt. A, §39, is repealed and the following enacted in its place:

§1661. Definitions

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

1. Current services. "Current services" means budget estimates based on the costs of continuing all current legislatively authorized programs at present levels.

2. Governor-elect. "Governor-elect," whenever used in this chapter and chapter 145, means the candidate most recently elected to the office of Governor of the State in the November election for choice of Governor, or the Governor's successor.

3. New or expanded services. "New or expanded services" means new programs or initiatives or the expansion of existing programs beyond the scope of those programs already established, recognized or approved by the Legislature.

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FISCAL NOTE

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The Federal and Dedicated Funds Subcommittee created in this bill will create additional workload to nonpartisan legislative staff, the exact nature of which cannot be determined at this time. A request for additional staff assistance may have to be presented to a future Legislature.

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STATEMENT OF FACT

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This bill implements the recommendations of the interim subcommittee of the Joint Standing Committee on Appropriations and Financial Affairs studying the manner in which new and expanded services are presented to the Legislature for review.

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The bill:

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1. Authorizes the Joint Standing Committee on Appropriations and Financial Affairs to organize an ongoing subcommittee to review federal and dedicated funding issues;

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2. Clarifies that all new and expanded service requests, regardless of the funding source, must be presented to the Legislature in such a way as to distinguish between new and expanded services and current services;

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3. Strengthens and clarifies the statutory language that prohibits a state employee from exceeding approved resources;

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4. Defines "current services" and "new and expanded services" as currently used in a budgeting context;

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5. Places into law language that is currently unallocated; and

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6 Clarifies an existing provision of law.