

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

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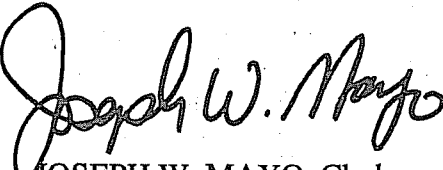
H.P. 372

House of Representatives, February 11, 1993

An Act Making Changes in the Financial Order Process.

(EMERGENCY)

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative RYDELL of Brunswick.

Cosponsored by Representatives: CARROLL of Gray, CHONKO of Topsham, COLES of Harpswell, FITZPATRICK of Durham, FOSS of Yarmouth, GEAN of Alfred, HICHBORN of Howland, KERR of Old Orchard Beach, MacBRIDE of Presque Isle, MARTIN of Eagle Lake, MICHAUD of East Millinocket, MITCHELL of Freeport, POULIOT of Lewiston, REED of Falmouth, TREAT of Gardiner, Senators: BUSTIN of Kennebec, CONLEY of Cumberland, DUTREMBLE of York, FOSTER of Hancock, PARADIS of Aroostook, PEARSON of Penobscot, TITCOMB of Cumberland.

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

4
Whereas, the State continues to experience financial
6 difficulties; and

8
Whereas, under these circumstances it is of vital importance
that a committee of the Legislature meet to provide a consistent
10 review of all financial orders submitted by the Bureau of the
Budget requesting the transfer of unexpended appropriations or
12 increases to certain allotments; and

14
Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
16 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
18 safety; now, therefore,

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

22 **Sec. 1. 5 MRSA §1585, sub-§1**, as amended by PL 1991, c. 9, Pt.
E, §6, is further amended to read:

24
1. **Transfer procedures.** Any balance of any appropriation
26 or subdivision of an appropriation made by the Legislature for
any state department or agency, which at any time may not be
28 required for the purpose named in such appropriations or
subdivision, may be transferred at any time prior to the closing
30 of the books to any other appropriation or subdivision of an
appropriation made by the Legislature for the use of the same
32 department or agency for the same fiscal year subject to review
by the joint standing committee of the Legislature having
34 jurisdiction over appropriations and financial affairs as
prescribed in subsection 4. Financial orders describing such
36 transfers must be submitted by the Bureau of the Budget to the
Office of Fiscal and Program Review 30 days before the transfer
38 is to be implemented. In case of extraordinary emergency
transfers, the 30-day prior submission requirement may be waived
40 by vote of the committee as prescribed in subsection 4.
Positions, or funding for those positions, that are currently
42 funded with federal or other funds may not be transferred by
financial order to the General Fund.

44
Sec. 2. 5 MRSA §1585, sub-§4 is enacted to read:

46
4. Meetings to review transfers. The joint standing
48 committee of the Legislature having jurisdiction over
appropriations and financial affairs shall meet monthly to review
50 all financial orders submitted by the Bureau of the Budget under

2 subsection 1 or Public Law 1991, chapter 591, Part A, section
3 24. The joint standing committee shall also review all other
4 financial orders that have been submitted to the Office of Fiscal
5 and Program Review since the last monthly meeting. A quorum of
6 the joint standing committee is required to conduct financial
7 order reviews or to take votes to waive the 30-day prior
8 submission requirement. The joint standing committee may meet
9 more than one time in any month at the request of the joint
10 standing committee chairs.

11 **Sec. 3. PL 1991, c. 591, Pt. A, §24,** as amended by PL 1991, c.
12 780, Pt. 00, §3, is further amended to read:

13 **Sec. A-24. Allotments in excess of legislatively authorized**
14 **allocations.** Allotments in Other Special Revenue and internal
15 service fund accounts may exceed current year allocations and the
16 unused balance of allocations authorized to carry forward by law
17 under the following conditions provided that Other Special
18 Revenue and internal service funds fund accounts are expended in
19 accordance with the statutes laws that establish them and for no
20 other purpose:

21 1. Sufficient cash is available from Other Special Revenue
22 ~~ex,~~ the internal service fund accounts or the unencumbered
23 balance authorized to carry forward by law;

24 2. Allotment is required to provide for the costs of
25 approved collective bargaining agreements;

26 3. Failure to allot these available funds could have a
27 significant detrimental impact on current programs;

28 4. Allotment of these available funds is recommended by the
29 State Budget Officer and approved by the Governor by financial
30 order as an allotment increase in the annual work program;

31 5. Allotment of these available funds is subject to review
32 by the joint standing committee of the Legislature having
33 jurisdiction over appropriations and financial affairs as
34 prescribed in the Maine Revised Statutes, Title 5, section 1585,
35 subsection 4; and

36 6. Allotment of these funds does not take effect until 30
37 days after the approval by the Governor.

38 In case of extraordinary emergency situations, the 30-day
39 wait beyond approval by the Governor may be waived by vote of the
40 joint standing committee of the Legislature having jurisdiction
41 over appropriations and financial affairs upon written
42 recommendation of the State Budget Officer and as prescribed in
43 the Maine Revised Statutes, Title 5, section 1585,

2 subsection 4. Dedicated revenue and internal service fund
3 accounts authorized by law to carry unused allocations forward
4 will not be subject to the above provided that the request for
5 allotment increase is within the legislatively authorized
6 allocations as defined in this section. It is the intent of the
7 Legislature that authority for unused allocations to carry
8 forward in Other Special Revenue and internal service fund
9 accounts be limited to only specific, extraordinary circumstances.

10 **Emergency clause.** In view of the emergency cited in the
11 preamble, this Act takes effect when approved.

12

13 **STATEMENT OF FACT**

14 This bill requires the Joint Standing Committee on
15 Appropriations and Financial Affairs to meet monthly to review
16 all financial orders submitted by the Bureau of the Budget
17 requesting the transfer of unexpended appropriations increases to
18 certain allotments for any other purpose.
19
20