

MAINE STATE LEGISLATURE

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R. of S.

L.D. 1897

DATE: 3/30/94

(Filing No. S- 562)

TRANSPORTATION

Reported by: Senator Paradis of Aroostook

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**STATE OF MAINE
SENATE
116TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 699, L.D. 1897, Bill, "An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1994 and June 30, 1995"

Amend the bill by striking out the title and substituting the following:

'An Act to Make Supplemental Allocations from the Highway Fund, Other Funds and Make Other Necessary Changes for the Proper Operation of State Government for the Fiscal Years Ending June 30, 1994 and June 30, 1995'

Further amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses will become due and payable on or immediately after July 1, 1994; and

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

COMMITTEE AMENDMENT

R of S.

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

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PART A

Sec. A-1. Allocation. The following funds are allocated from the Highway Fund for the fiscal years ending June 30, 1994 and June 30, 1995 to carry out the purposes of this Part.

1993-94 1994-95

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Departments and Agencies - Statewide

Unallocated \$4,500,000

Provides for the allocation of funds from available surplus to satisfy the requirements of Public Law 1993, chapter 414, Part D, section 9.

Departments and Agencies - Statewide

Unallocated (700,000)

Provides for the deallocation of funds through a departmentwide reduction of costs. The Commissioner of Transportation, the Commissioner of Public Safety and the Secretary of State in conjunction with the Commissioner of Administrative and Financial Services agree to mutually cooperate in the preparation of a fair and equitable departmental deallocation distribution plan, which must be submitted no later than January 1, 1995 to the joint standing committee of the Legislature having jurisdiction over transportation matters and include recommendations

R. of S.

2 outlining proposed position
 3 eliminations and other
 4 programmatic deallocations
 5 necessary to achieve the
 6 deallocation in this
 7 section. The deallocations
 8 must be adjusted by the
 9 Legislature during the First
 10 Regular Session of the 117th
 11 Legislature based upon the
 12 plan submitted.

13 **DEPARTMENT OF ADMINISTRATIVE**
 14 **AND FINANCIAL SERVICES**
 15 **TOTAL**

3,800,000

16 **PUBLIC SAFETY, DEPARTMENT OF**

17 **Motor Vehicle Inspection**

18
 19
 20 All Other 2,768
 21
 22 Provides for the allocation
 23 of funds for the replacement
 24 of protective vests for the
 25 officers of the Motor Vehicle
 26 Inspection Unit.
 27
 28

29 **State Police**

30
 31 All Other 72,090
 32
 33 Provides for the allocation
 34 of funds for the replacement
 35 of protective vests for the
 36 officers of the State Police
 37 (87% Highway Fund share).
 38

39 **State Police**

40
 41 Capital Expenditures 603,127
 42
 43 Provides for the allocation
 44 for the replacement of 50
 45 vehicles. Delayed equipment
 46 purchases have placed an
 47 excessive number of vehicles
 48 over the 100,000-mile mark
 49 (87% Highway Fund share).
 50

RWS

2	Traffic Safety		
4	All Other		2,210
6	Provides for the allocation		
8	of funds for the replacement		
10	of protective vests for the		
	officers of the Traffic		
	Safety Division.		
12	DEPARTMENT OF PUBLIC SAFETY		
	TOTAL		<u>680,195</u>
14			
16	SECRETARY OF STATE,		
	DEPARTMENT OF THE		
18	Administration - Motor Vehicle		
20	All Other	\$535,468	525,716
22	Provides for the allocation		
24	of funds to cover additional		
26	costs associated with		
	increased and unbudgeted		
	STA-CAP charges.		
28	Fuel Use Decal Program		
30	All Other	6,672	6,714
32	Provides for the allocation		
34	of funds to cover additional		
36	costs associated with		
	increased and unbudgeted		
	STA-CAP charges.		
38	DEPARTMENT OF THE		
	SECRETARY OF STATE		
40	TOTAL	<u>542,140</u>	<u>532,430</u>
42	TRANSPORTATION, DEPARTMENT OF		
44	Administration and Planning		
46	Positions - Legislative Count		(6.0)
	Personal Services.		286,488
48			
50	Provides for the allocation		
	of funds for 3 Transportation		

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COMMITTEE AMENDMENT "A" to S.P. 699, L.D. 1897

2 Planning Specialist I
positions and 3
4 Transportation Planning
Specialist II positions to
6 carry out the requirements of
the Intermodal Surface
8 Transportation Efficiency Act
and the sensible
10 transportation policy and
clean air act.

12 **Bond Interest - Highway**

14 All Other 39,035 1,500,000

16 Provides for the allocation
18 of funds for interest on a
bond anticipation note that
20 will be sold in April, 1994.

22 **Highway and Bridge Improvement**

24 Capital Expenditures (699,643)

26 Provides for the deallocation
of funds through a
28 restructuring that will
result in no construction
delays.

30 **Highway Maintenance**

32 Capital Expenditures 1,000,000 3,300,000

34 Provides for the allocation
36 of funds to continue the
Highway Maintenance
38 Resurfacing Program.

40 **Radio Operations**

42 All Other 50,400
44 Capital Expenditures (50,400)

46 TOTAL -0-

48 Provides for a line category
transfer from Capital
Expenditures to All Other for
50 the budgeted purchase of

208

COMMITTEE AMENDMENT "A" to S.P. 699, L.D. 1897

2 radio units, which no longer
qualify as capital assets.

4 Traffic Services

6 All Other (1,500,000)

8 Provides for the deallocation
10 of funds in the striping
12 program, which was
transferred from a
14 federal-funded and
state-funded matching program
to a fully funded federal
16 program.

18 DEPARTMENT OF TRANSPORTATION
TOTAL (460,965) 4,386,845

20 PART A, SECTION 1
22 TOTAL ALLOCATIONS \$81,175 \$9,399,470

24 PART B

26 Sec. B-1. Allocation. The following funds are allocated from
the Highway Fund for the fiscal years ending June 30, 1994 and
28 June 30, 1995, to the departments listed, to provide funding for
approved reclassifications and range changes.

30 1993-94 1994-95

32 ADMINISTRATIVE AND FINANCIAL
34 SERVICES, DEPARTMENT OF

36 Transportation Building Maintenance

38 Personal Services \$1,514 \$2,441

40 DEPARTMENT OF ADMINISTRATIVE
AND FINANCIAL SERVICES
42 TOTAL 1,514 2,441

44 PUBLIC SAFETY, DEPARTMENT OF

46 Motor Vehicle Inspection

48 Personal Services 9,436 2,140

50 State Police

2	Personal Services	3,658	2,327
4	DEPARTMENT OF PUBLIC SAFETY		
	TOTAL	<u>13,094</u>	<u>4,467</u>
6	SECRETARY OF STATE,		
8	DEPARTMENT OF THE		
	Administration - Motor Vehicle		
10	Personal Services	970	40,291
12	DEPARTMENT OF THE		
14	SECRETARY OF STATE		
	TOTAL	<u>970</u>	<u>40,291</u>
16	PART B, SECTION 1		
18	TOTAL ALLOCATIONS	<u>\$15,578</u>	<u>\$47,199</u>

PART C

22 **Sec. C-1. Transportation Safety Fund; nonlapsing.**
 24 Notwithstanding Public Law 1993, chapter 288, Part A, section 1
 26 or any other provision of law, any unencumbered balance of the
 28 Transportation Safety Fund allocation in the Department of Public
 30 Safety, Traffic Safety - Commercial Vehicle Enforcement account
 at the end of fiscal year 1993-94 may not lapse but must be
 carried forward until June 30, 1995 and must be used to conduct
 the Maine State Police Training Academy.

32 **Sec. C-2. Personal Services balances; nonlapsing.** Notwithstanding
 34 the Maine Revised Statutes, Title 5, section 1589 or any other
 36 provision of law, any unencumbered Personal Services balances of
 Highway Fund allocations in the Department of Public Safety,
 Bureau of State Police account at the end of fiscal year 1993-94
 may not lapse but must be carried forward until June 30, 1995 and
 must be used to conduct the Maine State Police Training Academy.

38 **Sec. C-3. Funding for the Bureau of State Police.** Notwithstanding
 40 Public Law 1993, chapter 410, Part P, section 4 or any other
 42 provision of law, the Legislature determines that for fiscal
 44 years 1993-94 and 1994-95, funding for the Department of Public
 Safety, Bureau of State Police, must be provided as follows:
 approximately 87% must be allocated from the Highway Fund and
 approximately 13% must be appropriated from the General Fund.

PART D

R of S

2 **Sec. D-1. Allocation.** The following funds are allocated from
the Augusta State Airport funds for the fiscal year ending June
30, 1995 to carry out the purposes of this Part.

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6
8

1994-95

TRANSPORTATION, DEPARTMENT OF

Augusta State Airport

10
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14
16

Positions - Other Count (-1.0)

Provides for the elimination of the
headcount for one vacant and unfunded
Planning and Research Associate I position.

PART E

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20
22

Sec. E-1. Allocation. The following funds are allocated from
the Island Ferry Service funds for the fiscal year ending June
30, 1995 to carry out the purposes of this Part.

1994-95

TRANSPORTATION, DEPARTMENT OF

Island Ferry Service

28
30
32
34

Positions - Other Count (-1.0)

Provides for the elimination of the
headcount for one vacant and unfunded
Administrative Assistant position.

PART F

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Sec. F-1. Allocation. The following funds are allocated from
the Marine Ports fund for the fiscal year ending June 30, 1995
to carry out the purposes of this Part.

1994-95

TRANSPORTATION, DEPARTMENT OF

Ports and Marine Transportation

46
48

Positions - Other Count (-1.0)

Provides for the elimination of the

headcount for one vacant and unfunded
Planning and Research Associate I position.

PART G

Sec. G-1. Allocation. The following funds are allocated from the Highway Garage fund for the fiscal year ending June 30, 1995 to carry out the purposes of this Part.

1994-95

TRANSPORTATION, DEPARTMENT OF

Motor Transport Service

Positions - Other Count	(-3.0)
Personal Services	(\$82,304)

Provides for the deallocation of funds through the elimination of one Clerk Typist I position, one Clerk Stenographer II position and one Accountant I position.

PART H

Sec. H-1. Department of Transportation; lease-purchase of highway maintenance equipment including trucks, motor graders, loaders, mowers and associated equipment. Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Transportation may enter into financing arrangements for the acquisition of highway maintenance equipment including trucks, motor graders, loaders, mowers and associated equipment in order to gain efficiencies and reduce the incidence of repair due to aged equipment. The financing agreement may not exceed 5 years in duration and \$20,000,000 in principal costs. The interest rate is estimated at 6.5% with total interest costs over the duration of the financing arrangement estimated at \$3,900,000. The annual principal and interest costs must be paid from the Capital Expenditures and All Other line category allocations to the Motor Transport Service account. The financing agreement must provide that the State will become the ultimate owner of the highway maintenance equipment and that future principal and interest payments may be discontinued if the Legislature does not allocate funds for this purpose.

PART I

Sec. I-1. Allocation. The following funds are allocated from Other Special Revenue for the fiscal year ending June 30, 1995 to carry out the purposes of this Part.

2 of 3

1994-95

2

4

**SECRETARY OF STATE,
DEPARTMENT OF THE**

6

Administration - Motor Vehicles

8

	Positions - Other Count	(1.0)
10	Personal Services	\$27,055
	All Other	500
12		<hr/>
	Total	\$27,555

14

16

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24

Provides for the allocation of funds for one Clerk Typist II position to handle additional work responsibilities associated with the suspension of driver's licenses of individuals who fail to pay child support. The Department of Human Services shall reimburse the account on a quarterly basis for costs associated with the license suspension program.

26

**PART I, SECTION 1
TOTAL ALLOCATIONS**

\$27,555

28

30

32

Sec. I-2. Report. The Secretary of State shall submit a report to the joint standing committee of the Legislature having jurisdiction over transportation matters by April 1, 1995 on the workload and costs associated with the suspension of operators' licenses under the family financial responsibility program.

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PART J

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Sec. J-1. 23 MRSA §4420, as amended by PL 1989, 503, Pt. B, §103, is further amended to read:

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§4420. Purpose

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The Maine Port Authority, as established by Title 5, section 12004-F, subsection 8, is constituted a public agency of the State for the general purpose of acquiring, constructing and operating any kind of port terminal facility and railroad facility within the State with all the rights, privileges and power necessary. Oil pipelines and other oil off-loading facilities shall be are limited to sites in Portland harbor.

2 **Sec. J-2. 23 MRSA §4422**, as enacted by PL 1981, c. 456, Pt.
A, §88, is amended to read:

4 **§4422. Agreements**

6 The Maine Port Authority and the Department of
7 Transportation may enter into such agreements as the directors
8 and commissioner deem determine to be in the best interests of
9 the State for the department to acquire, construct, maintain and
10 operate any or all facilities funded from bonds issued under
11 section 4423. The department may not operate a railroad that is
12 constructed or acquired under this chapter. Any agreements shall
13 must set forth the terms and conditions of the operation and be
14 subject to all the terms and conditions of any trust indenture
15 and covenants relating to revenue bonds. The Maine Port Authority
16 or the department may establish, own, operate and maintain such
17 navigational aids in coastal waters adjacent to the shores and
18 harbors of the State as the directors or commissioner deem
19 determine essential for safety. Any such navigational aids shall
20 must conform to and be consistent with any and all federal
21 regulation.

22 **Sec. J-3. 23 MRSA §4423, sub-§§1 and 3**, as enacted by PL 1981,
23 c. 456, Pt. A, §88, are amended to read:

24 **1. Authorization.** The Maine Port Authority may provide by
25 resolution from time to time for the issuance of bonds for the
26 purpose of funding the establishment, acquisition or effectuation
27 of port terminal facilities, railroad facilities and things
28 incidental thereto, for construction of proposed facilities and
29 improvement of existing or acquired facilities and for the
30 fulfillment of other undertakings which that it may assume. The
31 bonds of the Maine Port Authority do not constitute a debt of the
32 State, or of any agency or political subdivision thereof, but are
33 payable solely from the revenue of the authority, and neither the
34 faith nor credit nor taxing power of the State, or any political
35 subdivision thereof, is pledged to payment of the bonds. Any
36 provision of any law to the contrary notwithstanding, any bonds
37 issued pursuant to this subchapter is are fully negotiable. In
38 case any director whose signature appears on the bond or coupons
39 ceases to be a director before the delivery of those bonds, that
40 signature is valid and sufficient for all purposes as if that
41 director had remained a director until delivery.

42 **3. Money received.** All moneys money received from any bonds
43 issued shall must be applied solely for the establishment;
44 acquisition or effectuation of port terminal facilities, railroad
45 facilities and things incidental thereto, for the construction of
46 proposed facilities, improvement of existing or acquired
47 facilities and the fulfillment of other undertakings which that

are within the power of the authority. There is created a lien upon the money until so applied in favor of the bondholders or any trustee as may be provided in respect of the bonds.

Sec. J-4. 23 MRSA §4425, as enacted by PL 1981, c. 456, Pt. A, §88, is amended to read:

§4425. Acquisition of land

Land required for improvement to existing facilities or construction of new facilities undertaken by the Maine Port Authority or in cooperation with the Department of Transportation may be acquired for these purposes in the same manner as provided in section 154 chapter 3, subchapter III.

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

Further amend the bill by inserting at the end before the statement of fact the following:

FISCAL NOTE

	1993-94	1994-95
APPROPRIATIONS/ALLOCATIONS		
Highway Fund	\$96,753	\$9,446,669
Other Funds		(54,749)

REVENUES

Other Funds	\$27,555
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This bill allocates \$96,753 in fiscal year 1993-94 and \$9,446,669 in fiscal year 1994-95 from the Highway Fund to provide funds for supplemental funding requests, approved reclassifications and range changes and transfers for certain programs.

This bill also provides a deallocation from the Highway Garage fund of \$82,304 in fiscal year 1994-95 and an allocation of dedicated revenue of \$27,555 to the Bureau of Motor Vehicles to provide funds for one Clerk Typist II position to handle additional work responsibilities associated with the suspension of driver's licenses of individuals who fail to pay child support. Additional dedicated revenue to offset the bureau's costs of \$27,555 in fiscal year 1994-95 is generated by reimbursement from the Department of Human Services.

Beginning in fiscal year 1995-96, the Department of Transportation will incur additional expenses of approximately \$5,200,000 annually as the result of the \$20,000,000 lease-purchase authorization. Additional Highway Fund allocations will be required to cover these additional costs.

STATEMENT OF FACT

This amendment replaces the bill. The amendment:

1. Provides funds for supplemental funding requests, approved reclassifications and range changes and transfers for certain programs;

2. Provides funds for a Clerk Typist position to handle additional work responsibilities associated with the suspension of driver's licenses of individuals who fail to pay child support;

3. Provides authorization to the Maine Port Authority to acquire, construct, maintain and operate railroad facilities within the State;

4. Requires the Secretary of State to submit a report to the Joint Standing Committee on Transportation by April 1, 1995 on the workload and costs associated with the suspension of operators' licenses under the family financial responsibility program;

5. Provides authorization to the Department of Transportation to enter into financing arrangements, or Certificates of Participation, for the acquisition of highway maintenance equipment; and

6. Adds a fiscal note to the bill.