

MAINE STATE LEGISLATURE

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L.D. 1412

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DATE: May 2, 1995 (Filing No. S- 102)

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**STATE OF MAINE
SENATE
117TH LEGISLATURE
FIRST REGULAR SESSION**

SENATE AMENDMENT " C " to H.P. 1001, L.D. 1412, Bill, "An Act to Make Additional Appropriations and Allocations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1995"

Amend the bill in Part D by striking out all of sections 4, 5 and 6 and inserting in their place the following:

'Sec. D-4. Implementation of task force recommendations by Governor. The Governor shall review the recommendations of the task force as presented throughout the fiscal year. Nothing in this Part may be construed to constrain the Governor's authority to exercise the powers granted by the Constitution of Maine or statutes to execute the laws of the State.

Any recommendation of the task force that requires a change to the Maine Revised Statutes, a Public Law or a Private and Special Law enacted by the Legislature, except as expressly authorized by section 5 of this Part, and that the Governor seeks to implement requires the following.

1. The Governor shall immediately notify the Legislature of the specific recommendation or recommendations that require legislation to implement; the departments, programs and positions to be affected; and the projected savings and deappropriations required in fiscal year 1995-96 and fiscal year 1996-97.

2. After having provided at least 2 weeks' notice to the President of the Senate and the Speaker of the House, the Governor shall convene the Legislature into special session to address legislation to implement the specific recommendation or recommendations identified by the Governor in subsection 1. Should the Legislature be in regular session, the Governor shall immediately submit legislation to implement the specific recommendation or recommendations identified by the Governor in subsection 1.

SENATE AMENDMENT

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2 3. Once that legislation has been submitted to the Office
of the Revisor of Statutes, the Legislature has 3 calendar days,
4 excluding holidays and weekends, to enact legislation that
achieves the same amount of projected savings and
6 deappropriations in fiscal year 1995-96 and fiscal year 1996-97
as those identified by the Governor in subsection 1. Those
8 savings and deappropriations may not be achieved by increasing
revenue. If the Legislature fails to enact legislation that
10 achieves the same amount of projected savings or deappropriations
in fiscal year 1995-96 and fiscal year 1996-97 as those
12 identified by the Governor in subsection 1, the Governor is
authorized to achieve the savings through use of the temporary
14 curtailment of allotment power specified in the Maine Revised
Statutes, Title 5, section 1668, in addition to the temporary
16 powers granted by section 5 of this Part, provided that the
Governor may not curtail allotments under this section in the
18 General Purpose Aid for Local Schools Program and the Local
Government Fund.

20 4. Notwithstanding the Maine Revised Statutes, Title 3,
22 section 2, 6th paragraph, the members of the Senate and House of
Representatives must each be compensated \$55 for every day's
24 attendance, expenses and mileage pursuant to Title 3, section 2,
10th paragraph.

26 **Sec. D-5. Appropriation and position transfers.** Notwithstanding
28 any other provision of law, the Governor is authorized by
financial order to transfer positions authorized by the
30 Legislature between General Fund accounts and between departments
and to transfer the available balances of any General Fund
32 appropriation between line categories, accounts and departments
in order to achieve the savings necessary to meet the lump-sum
34 deappropriations to be authorized in fiscal year 1995-96 and
fiscal year 1996-97. When the Governor determines that the
36 transfer of a position is necessary, any incumbent in the
transferred position at the time of transfer must be transferred
38 along with the position. In exercising the Governor's delegated
authority under this section, the Governor shall ensure that the
40 Governor's actions are designed to achieve the goals set forth in
section 1 of this Part and conform to the following standards:

42 1. Improvement of the effectiveness with which General Fund
44 dollars available in the biennium are spent;

46 2. Reduction of the ratio of management, administrative,
48 clerical and supervisory personnel of a department or agency to
the front-line personnel;

50 3. Consolidation or restructuring of redundant State
Government services, programs and operations where possible;

SENATE AMENDMENT

R 9/8

SENATE AMENDMENT "C" to H.P. 1001, L.D. 1412

2 4. Integration of the effective use of technology into
state departments, agencies, programs and operations; and

4
6 5. Achievement of the most effective delivery of services
to Maine citizens.

8 **Sec. D-6. Appropriation.** The following funds are appropriated
from the General Fund to carry out the purposes of this Part.

10 **1994-95**

12 **ADMINISTRATIVE AND FINANCIAL**
14 **SERVICES, DEPARTMENT OF**

16 **Productivity Realization Task**
18 **Force**

18 All Other \$250,000

20 Provides for the necessary expenses,
22 including consulting fees, of the
Productivity Realization Task Force.

24 **LEGISLATURE**

26 **Legislature**

28 Personal Services (\$250,000)

30 Provides for the deappropriation of funds
32 from available balances.

34 **TOTAL APPROPRIATIONS** \$-0-

36 **FISCAL NOTE**

38 This amendment is not expected to have an impact on the
40 ability of the Governor to achieve the savings proposed in the
Governor's proposed "current services" budget.

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44 **STATEMENT OF FACT**

46 This amendment addresses the constitutional issues raised in
the bill.

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SENATE AMENDMENT "C" to H.P. 1001, L.D. 1412

2 Part D, section 4 is amended by a provision that makes clear
 4 that the Legislature's failure to enact a law that achieves the
 6 same amount of savings as those identified by the Governor's
 8 submission under Part D, section 4, subsection 1 immediately
 10 authorizes the Governor to temporarily curtail allotments, except
 12 for General Purpose Aid for Local Schools and Municipal Revenue
 Sharing, equitably so that expenditures will not exceed the
 anticipated income and other available funds. It also clarifies
 that a special session could be called after having provided at
 least 2 weeks' notice to the President of the Senate and the
 Speaker of the House. It also clarifies that 3 calendar days
 does not include holidays and weekends.

14 Part D, section 5 is amended to clarify that in executing
 16 the decision of the Legislature to deappropriate a lump-sum
 18 amount for fiscal year 1995-95 and fiscal year 1996-97, the
 20 Governor should conform the Governor's decisions to the standards
 22 set out in Part D, section 5. The standards established in Part
 D, section 5 are as meaningful and precise as possible, given the
 purpose of the legislation to direct the implementation of cost
 savings from State Government productivity initiatives in the
 coming biennium.

24 This amendment also makes a technical correction to the
 26 deappropriation in Part D, section 6.

28
 30 SPONSORED BY: Dana Hanley¹³
 (Senator HANLEY)

32 COUNTY: Oxford

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SENATE AMENDMENT