

MAINE STATE LEGISLATURE

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MR
RUB

L.D. 1587

DATE: 11/30/95

(Filing No. H-678)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST SPECIAL SESSION

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 1148, L.D. 1587, Bill, "An Act to Implement the Productivity Recommendations of the Department of Transportation and Make Adjustments to Highway Fund Appropriations and Allocations for Fiscal Years 1995-96 and 1996-97"

Amend the amendment by striking out the substitute title and replacing it with the following:

'An Act to Implement the Productivity Recommendations of the Department of Transportation and Make Adjustments to Highway Fund Allocations for Fiscal Years 1995-96 and 1996-97'

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

'Further amend the bill by striking out all of Part A and inserting in its place the following:

PART A

Sec. A-1. Allocation. The following funds are allocated from the Highway Fund for the fiscal years ending June 30, 1996 and June 30, 1997, to the departments listed, to carry out the purposes of this Part.

1995-96 1996-97

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Salary Plan

Personal Services (\$3,376,543)

HOUSE AMENDMENT

Roll

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 1148,
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2 Provides for the deallocation
of funds from the excess
4 Personal Services that were
originally required by Public
6 Law 1993, chapter 414, Part
D, section 6.

8 **DEPARTMENT OF ADMINISTRATIVE
AND FINANCIAL SERVICES**
10 **TOTAL** (3,376,543)

12 **TRANSPORTATION, DEPARTMENT OF**

14 **Administration and Planning**

16 Positions - Legislative Count (-7.0) (-7.0)
18 Positions - Other Count (-1.5) (-1.5)
20 Personal Services (269,158) (275,944)

22 Provides for the deallocation
of funds from the elimination
of the following: Three
24 seasonal Highway Laborer
positions; one Engineering
26 Technician II position; one
Management Analyst I
28 position; one Planning and
Research Associate I
30 position; one Public
Relations Specialist
32 position; one Transportation
Planning Analyst position;
34 one Transportation Planning
Specialist position; and one
36 Director of Special Projects
position. All of the above
38 positions are split-funded,
84% Highway Fund and 16%
40 Federal Expenditure Fund.

42 **Administration and Planning**

44 Personal Services (75,057) (78,059)

46 Provides for the deallocation
of funds from the
48 determination that payments
to the Workers' Compensation
50 Management Fund are eligible
as federal expenditures.

HOUSE AMENDMENT

R. & B.

2 **Bond Interest - Highway**

4 All Other 142,000 284,000

6 Provides for the allocation
of funds necessary for
8 interest for a \$5,000,000
bond sale on January 1, 1996.

10 **Bond Retirement - Highway**

12 All Other 500,000

14 Provides for the allocation
of funds necessary for bond
16 retirement on a \$5,000,000
18 bond sale during fiscal year
1995-96.

20 **Bridge Maintenance**

22 Positions - Legislative Count (-1.0) (-1.0)
24 Personal Services (26,879) (28,186)

26 Provides for the deallocation
of funds from the elimination
28 of one Engineering Technician
II position.

30 **Highway and Bridge Improvement**

32 Positions - Legislative Count (-34.0) (-34.0)
34 Positions - Other Count (-5.5) (-5.5)
Personal Services (783,681) (806,706)

36 Provides for the deallocation
of funds from the elimination
38 of the following: Four
40 Assistant Engineer positions;
6 Civil Engineer II
42 positions; one Civil Engineer
III position; one Clerk
44 Stenographer II position; one
Clerk Typist II position; one
46 Engineering Aide II position;
one Engineering Aide I
48 position; 2 Engineering
Technician I positions; 2
50 Engineering Technician II

ADD

2 positions; one Engineering
 Technician III position; 3
 Engineering Technician IV
 4 positions; one Engineering
 Technician V position; 2
 6 Field Inspector positions; 10
 Highway Laborer positions; 2
 8 Right-of-way Agent I
 positions; one Right-of-way
 10 Appraiser I position; 2
 Right-of-way Appraiser II
 12 positions; one Right-of-way
 Appraiser III position; one
 14 Secretary position; one
 Senior Programmer Analyst
 16 position; and one Staff
 Development Specialist
 18 position.

20 Highway and Bridge Improvement

22 Personal Services (560,009) (582,409)

24 Provides for the deallocation
 26 of funds resulting from the
 determination that payments
 28 to the Workers' Compensation
 Management Fund are eligible
 as federal expenditures.

30 Highway and Bridge Improvement

32 Personal Services (2,500,000)

34 Provides for the deallocation
 36 of excess Personal Services
 funding, which was carried
 38 forward from fiscal year
 1994-95.

40 Highway and Bridge Improvement

42 All Other 2,000,000
 44 Capital Expenditures 28,000,000
 46 TOTAL 30,000,000

48 Provides for the allocation
 of funds for the 3 federal
 50 demonstration projects: the

1000

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 1148,
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2 Portland - South Portland
3 Bridge; the Brunswick-Topsham
4 Bypass; and the
5 Waterville-Winslow Bridge.
6 The undedicated revenue to
7 the Highway Fund will
8 increase by \$17,000,000 in
9 fiscal year 1995-96 due to
10 the sale of a Maine Turnpike
11 Authority bond.

12 **Highway Maintenance**

14 Positions - Legislative Count (-2.0) (-2.0)
15 Personal Services (84,067) (86,442)

16
17 Provides for the deallocation
18 of funds from the elimination
19 of one Engineering Technician
20 III position and one
21 Engineering Technician IV
22 position.

24 **Highway Maintenance**

26 All Other (167,467) (172,846)

28 Provides for the deallocation
29 of funds needed for vehicle
30 repair expenses due to the
31 elimination of 2 positions
32 within the Motor Transport
33 Service Program of the
34 Highway Garage Fund and 4
35 Motor Transport Service crew
36 employment slots.

38 **Highway Maintenance**

40 Positions - Other Count (-24.0) (-24.0)
41 Personal Services (625,790) (654,752)

42
43 Provides for the deallocation
44 of funds from the elimination
45 of 20 full-time and 8
46 seasonal Highway Maintenance
47 crew employment slots.

48 **Local Bridges**

R. 118

2	Personal Services	(12,246)	(12,736)
4	Provides for the deallocation		
6	of funds from the		
8	determination that payments		
	to the Workers' Compensation		
	Management Fund are eligible		
	as federal expenditures.		
10			
	Traffic Service		
12			
	Positions - Legislative Count	(-1.0)	(-1.0)
14	Personal Services	(56,047)	(56,671)
16	Provides for the deallocation		
18	of funds from the elimination		
	of one Engineering Technician		
	V position.		
20			
	Traffic Service		
22			
	Positions - Other Count	(-2.0)	(-2.0)
24	Personal Services	(48,661)	(50,261)
26	Provides for the deallocation		
28	of funds from the elimination		
	of one full-time and 2		
	seasonal Traffic Maintenance		
30	crew employment slots.		
32	Traffic Service		
34	Personal Services	(48,481)	(50,420)
36	Provides for the deallocation		
38	of funds from the		
40	determination that payments		
	to the Workers' Compensation		
	Management Fund are eligible		
	as federal expenditures.		
42			
	Highway Maintenance		
44			
	Capital Expenditures	895,000	3,405,000
46			
	Provides for the allocation		
48	of funds for the Collector		
	Road Maintenance Paving		
50	Program.		

2	Highway Maintenance		
4	All Other	1,000,000	1,000,000
6	Provides for the allocation		
8	of funds for the Sand-salt Storage Program.		
10	Highway and Bridge Improvement		
12	Capital Expenditures	(1,900,000)	(1,900,000)
14	Provides for the deallocation		
16	of funds as a result of reductions in the Highway and Bridge Improvement Program.		
18			
20	DEPARTMENT OF TRANSPORTATION TOTAL	<u>24,879,457</u>	<u>433,568</u>
22			
24	SECTION A-1 TOTAL ALLOCATIONS	<u>21,502,914</u>	<u>433,568</u>
26	Sec. A-2. Allocation. The following funds are allocated from		
28	the Federal Expenditure Fund for the fiscal year ending June 30, 1996 and June 30, 1997 to carry out the purposes of this Part.		
30		1995-96	1996-97
32	TRANSPORTATION, DEPARTMENT OF		
34	Administration and Planning		
36	Personal Services	(51,267)	(52,561)
38	Provides for the deallocation		
40	of funds from the elimination		
42	of the following: Three		
44	seasonal Highway Laborer		
46	positions; one Engineering		
48	Technician II position; one		
50	Management Analyst I		
	position; one Planning and		
	Research Associate I		
	position; one Public		
	Relations Specialist		
	position; one Transportation		
	Planning Analyst position;		

100

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 1148,
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2 one Transportation Planning
Specialist position; and one
4 Director of Special Projects
position. These positions
are all split-funded, 84%
6 Highway Fund and 16% Federal
Expenditure Fund.

8
Administration and Planning

10 Personal Services 62,846 65,360
12
14 Provides for the allocation
of funds to support the
Workers' Compensation
16 Management Fund.

18
Administration and Planning

20 All Other (62,846) (65,360)
22
24 Provides for the deallocation
of funds from the reduction
of budgeted grant
expenditures.

26
Administration and Planning

28 All Other 47,392 47,929
30
32 Provides for the allocation
of funds saved by the
elimination of personal
34 service costs for the Highway
Planning and Research Program.

36
Highway and Bridge Improvement

38 Personal Services (783,680) (806,705)
40
42 Provides for the deallocation
of funds from the elimination
of the following: Four
44 Assistant Engineer positions;
6 Civil Engineer II
46 positions; one Civil Engineer
III position; one Clerk
48 Stenographer II position; one
Clerk Typist II position; one
50 Engineering Aide I position;

HOUSE AMENDMENT

2 one Engineering Aide II
position; 2 Engineering
4 Technician I positions; 2
Engineering Technician II
6 positions; one Engineering
Technician III position; 3
8 Engineering Technician IV
positions; one Engineering
Technician V position; 2
10 Field Inspector positions; 10
Highway Laborer positions; 2
12 Right-of-way Agent II
positions; one Right-of-way
14 Appraiser I position; 2
Right-of-way Appraiser II
16 positions; one Right-of-way
Appraiser III position; one
18 Secretary position; one
Senior Programmer Analyst
20 position; and one Staff
Development Specialist III
22 position. The positions
listed above are
24 split-funded, 50% Highway
Fund and 50% Federal
26 Expenditure Fund.

28 Highway and Bridge Improvement

30	Personal Services	560,009	582,409
32	Provides for the allocation of funds to support the 34 Workers' Compensation Management Fund.		

36 Highway and Bridge Improvement

38	Capital Expenditures	(560,009)	(582,409)
40	Provides for the deallocation 42 of funds from the reduction of budgeted Capital 44 Expenditures.		

46 Highway and Bridge Improvement

48	Capital Expenditures	723,826	735,446
50	Provides for the allocation of funds for the federal		

100

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 1148,
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2	share of the Capital Improvement Program.		
4	Local Bridges		
6	Personal Services	12,246	12,736
8	Provides for the allocation of funds to support the Workers' Compensation Management Fund.		
10			
12			
14	Local Bridges		
16	Capital Expenditures	(12,246)	(12,736)
18	Provides for the deallocation of budgeted Capital Expenditures that are no longer required.		
20			
22	Railroad Assistance Program		
24	Personal Services	3,553	3,695
26	Provides for the allocation of funds to support the Workers' Compensation Management Fund.		
28			
30			
32	Railroad Assistance Program		
34	All Other	(3,553)	(3,695)
36	Provides for the deallocation of budgeted grant expenditures that are no longer required.		
38			
40	Traffic Service		
42	Personal Services	48,481	50,420
44	Provides for the allocation of funds to support the Workers' Compensation Management Fund.		
46			
48			
50	Traffic Service		

HOUSE AMENDMENT

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 1148,
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LR2

2	All Other	(48,481)	(50,420)
4	Provides for the deallocation of budgeted material expenditures that are no longer required.		
8	Transportation Services		
10	Personal Services	8,658	9,004
12	Provides for the allocation of funds to support the Workers' Compensation Management Fund.		
16	Transportation Services		
18	Capital Expenditures	(8,658)	(9,004)
20	Provides for the deallocation of budgeted Capital Expenditures that are no longer required.		
26	DEPARTMENT OF TRANSPORTATION TOTAL	<u>(63,729)</u>	<u>(75,891)</u>
28	SECTION A-2		
30	TOTAL ALLOCATIONS	<u>(63,729)</u>	<u>(75,891)</u>

32 **Sec. A-3. Allocation.** The following funds are allocated from
34 the Highway Garage Fund for the fiscal year ending June 30, 1996
and June 30, 1997 to carry out the purposes of this Part.

36 **1995-96** **1996-97**

38 **TRANSPORTATION, DEPARTMENT OF**

40 **Motor Transport Service**

42	Positions - Other Count	(-1.0)	(-1.0)
	Personal Services	(29,561)	(29,911)
44	Provides for the deallocation of funds from the elimination of one Account Clerk I position.		
46			
48			

Motor Transport Service

2

3	Positions - Other Count	(-1.0)	(-1.0)
4	Personal Services	(27,650)	(29,014)

6 Provides for the deallocation
7 of funds from the elimination
8 of one Mechanical Stores
9 Clerk I position.

Motor Transport Service

12

13	Positions - Other Count	(-4.0)	(-4.0)
14	Personal Services	(123,410)	(129,792)

16 Provides for the deallocation
17 of funds from the elimination
18 of 4 full-time Motor
19 Transport Service crew
20 employment slots.

22 **DEPARTMENT OF TRANSPORTATION**

23	TOTAL	<u>(180,621)</u>	<u>(188,717)</u>
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24

25	SECTION A-3		
26	TOTAL ALLOCATIONS	<u>(\$180,621)</u>	<u>(\$188,717)</u>

28 Further amend the bill by striking out all of Part C and
29 inserting in its place the following:

PART C

32

33 **Sec. C-1. 23 MRSA §1961, sub-§2**, as repealed and replaced by
34 PL 1993, c. 680, Pt. A, §24, is amended to read:

36 **2. Cooperation with the Department of Transportation.** The
37 Department of Transportation must be provided each year the
38 operating surplus of the Maine Turnpike Authority. The Maine
39 Turnpike Authority may issue bonds or other obligations to pay
40 for Department of Transportation projects. These amounts are
41 considered necessary for use by the department for construction,
42 reconstruction, operation and maintenance of all roads on the
43 state highway system, which serve and benefit users of the
44 turnpike by providing direct and indirect access to and from the
45 turnpike as part of the integrated highway system. Due to the
46 utilization of the state highway system by users of the turnpike,
47 the turnpike and its users have received and will continue to
48 receive a benefit from, or have caused and will continue to
49 cause, or both, the State acting by and through the Department of
50 Transportation to incur costs for the construction, operation and

2 maintenance of the state highway system, which provides direct
3 and indirect access to and from the turnpike to areas in the
4 State for which the State may properly be and should be
5 compensated from the tolls to be collected. The Maine Turnpike
6 Authority should be maintained to carry out the purposes of this
chapter in cooperation with the Department of Transportation.

8 **Sec. C-2. 23 MRSA §1964, sub-§4-A** is enacted to read:

10 4-A. Department of Transportation project. "Department of
11 Transportation project" means the rehabilitation, reconstruction
12 or construction of any highway or bridge on the state highway
13 system determined by the department and the authority to have a
14 sufficient relationship to the public's use of the turnpike in
15 accordance with section 1974, subsection 6.

16 **Sec. C-3. 23 MRSA §1964, sub-§6-A**, as enacted by IB 1991, c.
17 1, §4, is amended to read:

18 **6-A. Operating surplus.** "Operating surplus" means the
19 total annual operating revenues of the Maine Turnpike Authority,
20 after money has been put aside to pay the reasonable operating
21 expenses and to meet the requirements of any resolution
22 authorizing bonds of the Maine Turnpike Authority, including any
23 amounts pledged to secure obligations issued pursuant to section
24 1968, subsection 2-A or to pay principal, interest or premium, if
25 any, with respect to these obligations.

26 **Sec. C-4. 23 MRSA §1965, sub-§1, ¶¶O-1 and O-2** are enacted to
27 read:

28 O-1. Provide for an annual amount not to exceed a maximum
29 of \$4,700,000 to secure obligations issued pursuant to
30 section 1968, subsection 2-A or to pay principal, interest
31 or premium, if any, with respect to these obligations, after
32 money has been set aside or adequate provision has been made
33 to pay operating expenses and to meet the requirements of
34 any resolution authorizing revenue bonds of the authority;

35 O-2. Make a contract or enter into an agreement with or
36 provide certifications and assurances to the Department of
37 Transportation, or any other 3rd party, necessary in
38 connection with the determination of Department of
39 Transportation projects, the issuance of bonds or other
40 obligations pursuant to section 1968, subsection 2-A, the
41 pledge of revenues to the payment of these bonds or
42 obligations or the payment of the costs or a portion of the
43 costs of Department of Transportation projects;

44 **Sec. C-5. 23 MRSA §1968, sub-§2-A** is enacted to read:

208

2 2-A. Bonds for Department of Transportation projects. In
3 addition to bonds outstanding pursuant to subsections 1 and 2,
4 the authority may provide by resolution from time to time but no
5 later than January 1, 1997 for the issuance of special obligation
6 bonds, including notes or other evidences of indebtedness or
7 obligations defined to be bonds under this chapter, not exceeding
8 \$18,000,000 in aggregate principal amount exclusive of
9 refundings, to pay to the Department of Transportation the costs,
10 or a portion of the costs, of Department of Transportation
11 projects. Department of Transportation projects paid for with
12 bonds in accordance with this subsection must be determined by
13 the Department of Transportation and the authority to have
14 sufficient relationship to the public's use of the turnpike in
15 accordance with section 1974, subsection 6.

16 Sec. C-6. 23 MRSA §1969, sub-§1, ¶A, as enacted by PL 1981, c.
17 595, §3, is amended to read:

18 A. To the payment of the cost of the construction and
19 reconstruction of the turnpike or to the payment to the
20 Department of Transportation of the cost of Department of
21 Transportation projects;

22 Sec. C-7. 23 MRSA §1974, sub-§6 is enacted to read:

23 6. Revenues to secure special obligation bonds for
24 Department of Transportation projects; determination of project
25 eligibility for funding. Subject to the terms and conditions of
26 this chapter, the authority may authorize turnpike revenues to be
27 transferred to a trustee or agent designated by the authority and
28 that trustee or agent shall hold these revenues in trust to
29 secure or to be applied to the payment of obligations issued
30 pursuant to section 1968, subsection 2-A and as provided for in a
31 resolution authorizing the issuance of these bonds or in a
32 related trust indenture or loan or other security agreement.

33 The Department of Transportation shall provide the authority with
34 a list of proposed Department of Transportation projects and any
35 other information requested by the authority and relating to a
36 project on the list. The Department of Transportation and the
37 authority shall determine Department of Transportation projects
38 that are eligible for funding with proceeds from bonds authorized
39 by section 1968, subsection 2-A. In making this determination,
40 the department and the authority may consider the following
41 factors:

42 A. The existing access roads and the state highway system;

2 B. The traffic impact of the maintenance, construction or
reconstruction on the existing road network;

4 C. The total cost of the state highway system;

6 D. The probable change in departmental expenditures
8 resulting from maintenance, construction or reconstruction
of the project;

10 E. The relative number of vehicles using or expected to use
12 the project on the way to or from the turnpike;

14 F. The road distance or average road distance of the
project or portions of the project from the nearest entrance
16 to or exit from the turnpike;

18 G. The effect that maintenance, construction or
reconstruction will have on the flow of traffic to, from and
20 on the turnpike and in diverting vehicular traffic off or
away from the turnpike;

22 H. The proportionate usage of the state highway system by
vehicles using the turnpike and vehicles not using the
24 turnpike;

26 I. Vehicle classification and travel characteristics;

28 J. Origins and destinations of trips;

30 K. Fuel type and consumption;

32 L. Existing sources of revenue; and

34 M. Any other factors considered relevant, including, but
36 not limited to, expert opinion.

38 **Sec. C-8. 23 MRSA §4206, sub-§1, ¶M, as amended by PL 1983, c.**
477, Pt. E, sub-pt. 26, §8, is further amended to read:

40 M. Acting upon the advice of the State Tax Assessor, to
42 negotiate a compact with other states, the District of
Columbia and Canadian provinces for the administration of
44 user license fees on condition that the compact provides
for:

46 (1) The collection of the annual user license fee for
48 any other state or province by the state or province in
which the motor truck is registered;

(2) The disbursement of revenues due to other states
or provinces subject to the compact;

(3) The free exchange of information between and among
the states or provinces subject to the compact; and

(4) The establishment of identification tags or
decals.

The compact shall ~~shall~~ must provide for reciprocal enforcement of
the laws establishing the annual user license fees and for
the auditing of all books, records and logs of the operator
of a motor truck by the state or province in which the motor
truck is registered, which pertains to travel in it and any
other state or province subject to the compact, ; and

Sec. C-9. 23 MRSA §4206, sub-§1, ¶N is enacted to read:

N. To make contracts and enter into agreements with and
make assurances and certifications to the Maine Turnpike
Authority, and other 3rd parties, necessary in connection
with determination of Department of Transportation projects
and the issuance of bonds or obligations pursuant to section
1968, subsection 2-A.

**Sec. C-10. Provisions of the Maine Revised Statutes, Title 23, section
1974, former subsection 4.** For purposes of any resolution initially
adopted prior to December 20, 1991, the Maine Revised Statutes,
Title 23, section 1974, subsection 6 governs rather than Title
23, section 1974, former subsection 4.'

Further amend the bill by striking out all of the fiscal
note and inserting in its place the following:

FISCAL NOTE

Appropriations / Allocations

	1995-96	1996-97	BIENNIUM
Highway Fund Allocations			
PART A, Section A-1	21,502,914	433,568	21,936,482
HIGHWAY FUND, TOTAL	21,502,914	433,568	21,936,482
Federal Expenditures Fund			

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 1148,
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2 PART A, Section A-2 (63,729) (75,891) (139,620)
4 FEDERAL EXPENDITURES (63,729) (75,891) (139,620)
FUND, TOTAL
6
8 Highway Garage Fund
10 PART A, Section A-3 (180,621) (188,717) (369,338)
12 HIGHWAY GARAGE FUND, TOTAL (180,621) (188,717) (369,338)

14 **HIGHWAY FUND UNDEDICATED REVENUES**

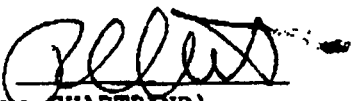
16 **1995-96** **BIENNIUM**
18 PART A
Section A-1, Transportation 17,000,000 17,000,000
20
22 HIGHWAY FUND UNDEDICATED
REVENUE, TOTAL 17,000,000 17,000,000

24 The balance carried forward from fiscal year 1994-95 of
26 \$12,254,051 is sufficient to cover the difference between the
increase of Highway Fund allocations and Highway Fund revenue in
28 fiscal years 1995-96 and 1996-97 and a balanced budget is
maintained.

30 This bill will result in future losses of Highway Fund
32 revenue of \$4,700,000 for 5 years beginning in fiscal year
1997-98."

34 **STATEMENT OF FACT**

36
38 This amendment removes the provisions of Committee Amendment
"A" to the bill and replaces them with the provisions of
40 Committee Amendment "B" to the bill.

42
44 SPONSORED BY: 
(Representative CHARTRAND)

46 TOWN: Rockland
48