

# MAINE STATE LEGISLATURE

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R. O. S.

L.D. 1587

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DATE: November 30, 1995 (Filing No. S- 415 )

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

SENATE AMENDMENT " C " 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 and General Fund Appropriations 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 in Part A by striking out all of section 1 and inserting in its place the following:

'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)

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SENATE AMENDMENT "C" 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

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2 Management Fund are eligible  
as federal expenditures.

4 **Bond Interest - Highway**

6 All Other 142,000 284,000

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

14 **Bond Retirement - Highway**

16 All Other 500,000

18 Provides for the allocation  
of funds necessary for bond  
20 retirement on a \$5,000,000  
bond sale during fiscal year  
22 1995-96.

24 **Bridge Maintenance**

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

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

34 **Highway and Bridge Improvement**

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

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

**SENATE AMENDMENT**

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

22 **Highway and Bridge Improvement**

24	Personal Services	(560,009)	(582,409)
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26 Provides for the deallocation  
 26 of funds resulting from the  
 28 determination that payments  
 28 to the Workers' Compensation  
 30 Management Fund are eligible  
 30 as federal expenditures.

32 **Highway and Bridge Improvement**

34	Personal Services	(2,500,000)	
----	-------------------	-------------	--

36 Provides for the deallocation  
 38 of excess Personal Services  
 38 funding, which was carried  
 40 forward from fiscal year  
 40 1994-95.

42 **Highway and Bridge Improvement**

44	All Other	2,000,000	
46	Capital Expenditures	28,000,000	
48	TOTAL	<u>30,000,000</u>	

2 Provides for the allocation  
 of funds to maintain the  
 4 ongoing projects for the 3  
 federal demonstration  
 projects: Portland-South  
 6 Portland bridge,  
 Brunswick-Topsham bypass and  
 8 the Waterville-Winslow  
 bridge. The undedicated  
 10 revenue to the Highway Fund  
 will increase by \$17,000,000  
 12 in fiscal year 1995-96 due to  
 the sale of a Maine Turnpike  
 14 Authority bond.

**16 Highway Maintenance**

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

20 Provides for the deallocation  
 22 of funds from the elimination  
 of one Engineering Technician  
 24 III position and one  
 Engineering Technician IV  
 26 position.

**28 Highway Maintenance**

30	All Other	(167,467)	(172,846)
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32 Provides for the deallocation  
 of funds needed for vehicle  
 34 repair expenses due to the  
 elimination of 2 positions  
 36 within the Motor Transport  
 Service Program of the  
 38 Highway Garage Fund and 4  
 Motor Transport Service crew  
 40 employment slots.

**42 Highway Maintenance**

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

46 Provides for the deallocation  
 48 of funds from the elimination  
 of 20 full-time and 8

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SENATE AMENDMENT "C" to COMMITTEE AMENDMENT "A" to H.P. 1148,  
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2 seasonal Highway Maintenance  
crew employment slots.

4 **Highway Maintenance**

6	All Other	750,000	2,160,000
	Capital Expenditures	895,000	4,495,000
8			
	TOTAL	<u>1,645,000</u>	<u>6,655,000</u>

10 Provides for the allocation  
12 of funds to support the  
14 following: the Underground  
Fuel Tank Program; the  
Underground Floor Drain  
16 Program; the Hazardous Waste  
Storage Program; the  
18 Sand-salt Storage Program;  
and the Maintenance Paving  
20 Program.

22 **Local Bridges**

24	Personal Services	(12,246)	(12,736)
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26 Provides for the deallocation  
of funds from the  
28 determination that payments  
to the Workers' Compensation  
30 Management Fund are eligible  
as federal expenditures.

32 **Traffic Service**

34	Positions - Legislative Count	(-1.0)	(-1.0)
36	Personal Services	(56,047)	(56,671)

38 Provides for the deallocation  
of funds from the elimination  
40 of one Engineering Technician  
V position.

42 **Traffic Service**

44	Positions - Other Count	(-2.0)	(-2.0)
46	Personal Services	(48,661)	(50,261)

48 Provides for the deallocation  
of funds from the elimination  
50 of one full-time and 2

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SENATE AMENDMENT "C" to COMMITTEE AMENDMENT "A" to H.P. 1148, L.D. 1587

2 seasonal Traffic Maintenance crew employment slots.

4 **Traffic Service**

6 Personal Services (48,481) (50,420)

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

14 **Highway Maintenance**

16 Capital Expenditures 895,000 3,405,000

18 Provides for the allocation of funds for the Collector Road Maintenance Paving Program.

24 **DEPARTMENT OF TRANSPORTATION TOTAL** 27,424,457 7,988,568

28 **SECTION A-1 TOTAL ALLOCATIONS** 24,047,914 7,988,568'

30 Further amend the bill in Part A in section 2 by striking out all of the last 4 lines (page 12, lines 2 to 6 in L.D.) and inserting in its place the following:

34 **DEPARTMENT OF TRANSPORTATION TOTAL** (63,729) (75,891)

38 **SECTION A-2 TOTAL ALLOCATIONS** (63,729) (75,891)'

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

44 **PART C**

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

48 **2. Cooperation with the Department of Transportation.** The Department of Transportation must be provided each year the

**SENATE AMENDMENT**



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operating surplus of the Maine Turnpike Authority. The Maine Turnpike Authority may issue bonds or other obligations to pay for Department of Transportation projects. These amounts are considered necessary for use by the department for construction, reconstruction, operation and maintenance of all roads on the state highway system, which serve and benefit users of the turnpike by providing direct and indirect access to and from the turnpike as part of the integrated highway system. Due to the utilization of the state highway system by users of the turnpike, the turnpike and its users have received and will continue to receive a benefit from, or have caused and will continue to cause, or both, the State acting by and through the Department of Transportation to incur costs for the construction, operation and maintenance of the state highway system, which provides direct and indirect access to and from the turnpike to areas in the State for which the State may properly be and should be compensated from the tolls to be collected. The Maine Turnpike Authority should be maintained to carry out the purposes of this chapter in cooperation with the Department of Transportation.

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

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

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

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

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

O-1. Provide for an annual amount not to exceed a maximum of \$4,700,000 to secure obligations issued pursuant to section 1968, subsection 2-A or to pay principal, interest or premium, if any, with respect to these obligations, after money has been set aside or adequate provision has been made

2 to pay operating expenses and to meet the requirements of  
any resolution authorizing revenue bonds of the authority;

4 O-2. Make a contract or enter into an agreement with or  
provide certifications and assurances to the Department of  
6 Transportation, or any other 3rd party, necessary in  
connection with the determination of Department of  
8 Transportation projects, the issuance of bonds or other  
obligations pursuant to section 1968, subsection 2-A, the  
10 pledge of revenues to the payment of these bonds or  
obligations or the payment of the costs or a portion of the  
12 costs of Department of Transportation projects;

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

16 2-A. Bonds for Department of Transportation projects. In  
addition to bonds outstanding pursuant to subsections 1 and 2,  
18 the authority may provide by resolution from time to time but no  
later than January 1, 1997 for the issuance of special obligation  
20 bonds, including notes or other evidences of indebtedness or  
obligations defined to be bonds under this chapter, not exceeding  
22 \$18,000,000 in aggregate principal amount exclusive of  
refundings, to pay to the Department of Transportation the costs,  
24 or a portion of the costs, of Department of Transportation  
projects. Department of Transportation projects paid for with  
26 bonds in accordance with this subsection must be determined by  
the Department of Transportation and the authority to have  
28 sufficient relationship to the public's use of the turnpike in  
accordance with section 1974, subsection 6.

30 **Sec. C-6. 23 MRSA §1969, sub-§1, ¶A, as enacted by PL 1981, c.**  
32 **595, §3, is amended to read:**

34 A. To the payment of the cost of the construction and  
reconstruction of the turnpike or to the payment to the  
36 Department of Transportation of the cost of Department of  
Transportation projects;

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

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

2 The Department of Transportation shall provide the authority with  
4 a list of proposed Department of Transportation projects and any  
6 other information requested by the authority and relating to a  
8 project on the list. The Department of Transportation and the  
10 authority shall determine Department of Transportation projects  
that are eligible for funding with proceeds from bonds authorized  
by section 1968, subsection 2-A. In making this determination,  
the department and the authority may consider the following  
factors:

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

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

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

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

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

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

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

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

40 I. Vehicle classification and travel characteristics;

42 J. Origins and destinations of trips;

44 K. Fuel type and consumption;

46 L. Existing sources of revenue; and

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

1 of 8

2 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:

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

- 10 (1) The collection of the annual user license fee for any other state or province by the state or province in which the motor truck is registered;
- 12
- 14 (2) The disbursement of revenues due to other states or provinces subject to the compact;
- 16
- 18 (3) The free exchange of information between and among the states or provinces subject to the compact; and
- 20 (4) The establishment of identification tags or decals.
- 22

24 The compact 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

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

32 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.

40 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.'

46 Further amend the bill by inserting after Part C the following:

48 **PART D**

50

2       **Sec. D-1. Calculation and transfer of targeted character and object**  
3 **code savings.** Based upon the allotment reserves and 30% savings  
4 plans required by Executive Order No. 2 of fiscal year 1995-96  
5 and notwithstanding the Maine Revised Statutes, Title 5, section  
6 1585, the State Budget Officer shall calculate the amount of  
7 General Fund savings available in the following character and  
8 object codes of all departments and agencies of State Government:

- 9           1. Professional services, not by state;
- 10           2. In-state travel;
- 11           3. Out-of-state travel;
- 12           4. Vehicle operation;
- 13           5. Repairs;
- 14           6. General operations;
- 15           7. Office supplies;
- 16           8. Miscellaneous supplies; and
- 17           9. Capital equipment.

18       **Sec. D-2. Implementation; detailed plan.** Each department and  
19 agency affected by this Part shall submit a detailed  
20 implementation plan in accordance with the requirements of this  
21 Part, which must be approved in advance of any implementation by  
22 the Commissioner of Administrative and Financial Services, upon  
23 the recommendation of the State Budget Officer. The Commissioner  
24 of Administrative and Financial Services, in approving each  
25 detailed plan, is authorized to adjust the reduction among  
26 accounts and line categories only under extenuating circumstances.

27       **Sec. D-3. Report.** The Commissioner of Administrative and  
28 Financial Services shall submit a report on the implementation of  
29 this Part to the Joint Standing Committee on Appropriations and  
30 Financial Affairs no later than January 3, 1996.

31       **Sec. D-4. Program or service eliminations.** In implementing this  
32 Part, the heads of all departments and agencies in State  
33 Government, along with the Commissioner of Administrative and  
34 Financial Services and the State Budget Officer, shall take all  
35 necessary precautions to ensure that no program or service  
36 otherwise authorized by the Legislature is eliminated in fiscal  
37 year 1995-96 or 1996-97 as a result of this Part.



15

SENATE AMENDMENT "C" to COMMITTEE AMENDMENT "A" to H.P. 1148,  
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2 fiscal year 1995-96 and  
approximately 61% Highway  
4 Fund and 39% General Fund for  
fiscal year 1996-97.

6 **DEPARTMENT OF PUBLIC  
SAFETY**

8 **TOTAL** 4,900,000 4,900,000

10 **SECTION D-5**  
12 **TOTAL APPROPRIATIONS**

- \$0 - - \$0 -

14 **Sec. D-6. Allocation.** The following funds are allocated from  
the Highway Fund to carry out the purposes of this Part.

16 **1995-96** **1996-97**

18 **PUBLIC SAFETY,  
20 DEPARTMENT OF**

22 **State Police**

24 **Personal Services** **(\$4,900,000)** **(\$4,900,000)**

26 Provides for the deallocation  
of funds from the changing of  
28 the State Police funding  
ratio to approximately 34%  
30 General Fund and 66% Highway  
Fund for fiscal year 1995-96  
32 and approximately 61% Highway  
Fund and 39% General Fund for  
34 fiscal year 1996-97.

36 **SECTION D-6**  
38 **TOTAL ALLOCATIONS**

(\$4,900,000) (\$4,900,000)

40 **Sec. D-7. Funding for Bureau of State Police.** Notwithstanding  
Public Law 1987, chapter 793, Part B, section 4 and Public Law  
42 1995, chapter 368, Part ZZ, section 4, the Legislature determines  
that funding for the Department of Public Safety, Bureau of State  
44 Police must be provided as follows: In fiscal year 1995-96  
approximately 66% must be allocated from the Highway Fund and 34%  
46 must be appropriated from the General Fund. In fiscal year  
1996-97, approximately 61% must be allocated from the Highway  
Fund and 39% must be appropriated from the General Fund.'

48

H. 218

SENATE AMENDMENT "C" to COMMITTEE AMENDMENT "A" to H.P. 1148,  
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Further amend the amendment 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	24,047,914	7,988,568	32,036,482
PART D, Section D-6	(4,900,000)	(4,900,000)	(9,800,000)
HIGHWAY FUND, TOTAL	19,147,914	3,088,568	22,236,482
Federal Expenditures Fund			
PART A, Section A-2	(63,729)	(75,891)	(139,620)
FEDERAL EXPENDITURES FUND, TOTAL	(63,729)	(75,891)	(139,620)
Highway Garage Fund			
PART A, Section A-3	(180,621)	(188,717)	(369,338)
HIGHWAY GARAGE FUND, TOTAL	(180,621)	(188,717)	(369,338)
GENERAL FUND APPROPRIATIONS			
PART D, Section D-5	-0-	-0-	-0-
GENERAL FUND, TOTAL	-0-	-0-	-0-

**HIGHWAY FUND UNDEDICATED REVENUES**

	1995-96	BIENNIUM
PART A		
Section A-1, Transportation	17,000,000	17,000,000
HIGHWAY FUND UNDEDICATED REVENUE TOTAL	17,000,000	17,000,000

This bill offsets additional General Fund appropriations of \$4,900,000 annually in fiscal years 1995-96 and 1996-97 through statewide deappropriations of \$4,900,000 annually in those same

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2 fiscal years. Departments and agencies statewide will need to  
cover these deappropriations by generating \$4,900,000 in  
4 additional budget reductions each year in certain "targeted" All  
Other and Capital Expenditures line category savings.

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

12 This bill will result in future losses of Highway Fund  
revenue of \$4,700,000 for 5 years beginning in fiscal year  
14 1997-98.'

16 Further amend the amendment by relettering or renumbering  
any nonconsecutive Part letter or section number to read  
18 consecutively.

20

22 **STATEMENT OF FACT**

24 This amendment removes the text of the committee amendment  
and replaces it.

26

This amendment is one of 2 minority reports. It provides  
28 for General Fund appropriations to the State Police and  
corresponding deallocations from the Highway Fund to the State  
30 Police. These appropriations and deallocations result in the  
State Police being funded 66% from the Highway Fund and 34% from  
32 the General Fund for fiscal year 1995-96 and a 61% to 39% ratio  
for fiscal year 1996-97. It reduces the allocation to the  
34 Sand-salt Storage Program in the original bill.

36 Part D of this amendment provides for a \$9,800,000  
deappropriation for the 1996-1997 biennium from the General Fund  
38 based on allotment reserves and savings plans. This \$9,800,000  
is allocated to Highway Fund programs in Part A of this amendment.

40

This amendment also lowers the maximum amount of bonds  
42 issued for the purpose of funding Department of Transportation  
projects from \$40,000,000 of \$18,000,000 and requires the bonds  
44 to be issued prior to January 1, 1997. It clarifies the process  
by which the Department of Transportation and the Maine Turnpike  
46 Authority determine projects eligible for funding from this  
source. It adds a section of unallocated law to state that the  
48 provisions of the Maine Revised Statutes, Title 23, section 1974,  
former section 4 are reflected in subsection 6 of that section

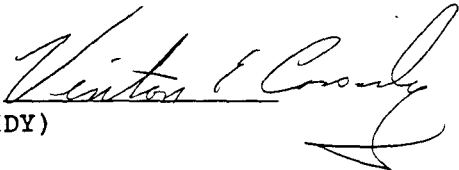
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2 for purposes of any resolution initially adopted prior to the  
repeal of subsection 4. It also makes technical changes to the  
bill.

4

6

SPONSORED BY:   
(Senator CASSIDY)

8

10

COUNTY: Washington

12