

MAINE STATE LEGISLATURE

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RWS

R. of S.

L.D. 1587

DATE: 11/20/95

(Filing No. H- 672)

REPORT B
TRANSPORTATION

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

COMMITTEE AMENDMENT "B" 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 bill by striking out the title and substituting 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 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)

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "B" to H.P. 1148, L.D. 1587

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
24 of the following: Three
seasonal Highway Laborer
26 positions; one Engineering
Technician II position; one
28 Management Analyst I
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.

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COMMITTEE AMENDMENT "B" to H.P. 1148, L.D. 1587

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

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

20 **Highway and Bridge Improvement**

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

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

30 **Highway and Bridge Improvement**

32 Personal Services (2,500,000)

34 Provides for the deallocation
 35 of excess Personal Services
 36 funding, which was carried
 37 forward from fiscal year
 38 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
 49 of funds for the 3 federal
 50 demonstration projects: the

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "b" to H.P. 1148, L.D. 1587

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**

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

15
16 Provides for the deallocation
17 of funds from the elimination
18 of one Engineering Technician
19 III position and one
20 Engineering Technician IV
21 position.
22

24 **Highway Maintenance**

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

26
27 Provides for the deallocation
28 of funds needed for vehicle
29 repair expenses due to the
30 elimination of 2 positions
31 within the Motor Transport
32 Service Program of the
33 Highway Garage Fund and 4
34 Motor Transport Service crew
35 employment slots.
36

38 **Highway Maintenance**

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

41
42 Provides for the deallocation
43 of funds from the elimination
44 of 20 full-time and 8
45 seasonal Highway Maintenance
46 crew employment slots.
47

48 **Local Bridges**

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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.		

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.		

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		
30	of one full-time and 2		
	seasonal Traffic Maintenance		
	crew employment slots.		

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.		

Highway Maintenance

44	Capital Expenditures	895,000	3,405,000
46	Provides for the allocation		
48	of funds for the Collector		
50	Road Maintenance Paving		
	Program.		

COMMITTEE AMENDMENT

2 **Highway Maintenance**

4	All Other	1,000,000	1,000,000
6	Provides for the allocation		
	of funds for the Sand-salt		
8	Storage Program.		

10 **Highway and Bridge Improvement**

12	Capital Expenditures	(1,900,000)	(1,900,000)
14	Provides for the deallocation		
	of funds as a result of		
16	reductions in the Highway and		
	Bridge Improvement Program.		

18	DEPARTMENT OF TRANSPORTATION		
20	TOTAL	<u>24,879,457</u>	<u>433,568</u>

22	SECTION A-1		
24	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
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32 **TRANSPORTATION, DEPARTMENT OF**

34 **Administration and Planning**

36	Personal Services	(51,267)	(52,561)
38	Provides for the deallocation		
	of funds from the elimination		
40	of the following: Three		
	seasonal Highway Laborer		
42	positions; one Engineering		
	Technician II position; one		
44	Management Analyst I		
	position; one Planning and		
46	Research Associate I		
	position; one Public		
48	Relations Specialist		
	position; one Transportation		
50	Planning Analyst position;		

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2 one Transportation Planning
Specialist position; and one
4 Director of Special Projects
position. These positions
6 are all split-funded, 84%
Highway Fund and 16% Federal
Expenditure Fund.

8
Administration and Planning

10 Personal Services 62,846 65,360

12 Provides for the allocation
14 of funds to support the
Workers' Compensation
16 Management Fund.

18
Administration and Planning

20 All Other (62,846) (65,360)

22 Provides for the deallocation
of funds from the reduction
24 of budgeted grant
expenditures.

26
Administration and Planning

28 All Other 47,392 47,929

30 Provides for the allocation
32 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 Provides for the deallocation
42 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;

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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		
44	of budgeted Capital		
	Expenditures.		

46 **Highway and Bridge Improvement**

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

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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
10 of funds to support the
Workers' Compensation
12 Management Fund.

14 **Local Bridges**

16 Capital Expenditures (12,246) (12,736)

18 Provides for the deallocation
of budgeted Capital
20 Expenditures that are no
longer required.

22 **Railroad Assistance Program**

24 Personal Services 3,553 3,695

26 Provides for the allocation
of funds to support the
28 Workers' Compensation
Management Fund.

30 **Railroad Assistance Program**

32 All Other (3,553) (3,695)

34 Provides for the deallocation
36 of budgeted grant
expenditures that are no
38 longer required.

40 **Traffic Service**

42 Personal Services 48,481 50,420

44 Provides for the allocation
of funds to support the
46 Workers' Compensation
Management Fund.

48 **Traffic Service**

50

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COMMITTEE AMENDMENT "b" to H.P. 1148, L.D. 1587

2	All Other	(48,481)	(50,420)
4	Provides for the deallocation		
6	of budgeted material		
	expenditures that are no		
	longer required.		

8 **Transportation Services**

10	Personal Services	8,658	9,004
12	Provides for the allocation		
14	of funds to support the		
16	Workers' Compensation		
	Management Fund.		

16 **Transportation Services**

18	Capital Expenditures	(8,658)	(9,004)
20	Provides for the deallocation		
22	of budgeted Capital		
24	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
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38 **TRANSPORTATION, DEPARTMENT OF**

40 **Motor Transport Service**

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

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Motor Transport Service

2			
	Positions - Other Count	(-1.0)	(-1.0)
4	Personal Services	(27,650)	(29,014)
6	Provides for the deallocation		
	of funds from the elimination		
8	of one Mechanical Stores		
	Clerk I position.		

Motor Transport Service

12			
	Positions - Other Count	(-4.0)	(-4.0)
14	Personal Services	(123,410)	(129,792)
16	Provides for the deallocation		
	of funds from the elimination		
18	of 4 full-time Motor		
	Transport Service crew		
20	employment slots.		

22	DEPARTMENT OF TRANSPORTATION		
	TOTAL	<u>(180,621)</u>	<u>(188,717)</u>

24	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
30 inserting in its place the following:

PART C

32 **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
38 Department of Transportation must be provided each year the
operating surplus of the Maine Turnpike Authority. The Maine
40 Turnpike Authority may issue bonds or other obligations to pay
for Department of Transportation projects. These amounts are
42 considered necessary for use by the department for construction,
reconstruction, operation and maintenance of all roads on the
44 state highway system, which serve and benefit users of the
turnpike by providing direct and indirect access to and from the
46 turnpike as part of the integrated highway system. Due to the
utilization of the state highway system by users of the turnpike,
48 the turnpike and its users have received and will continue to
receive a benefit from, or have caused and will continue to
50 cause, or both, the State acting by and through the Department of
Transportation to incur costs for the construction, operation and

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2 maintenance of the state highway system, which provides direct
and indirect access to and from the turnpike to areas in the
4 State for which the State may properly be and should be
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
Transportation project" means the rehabilitation, reconstruction
12 or construction of any highway or bridge on the state highway
system determined by the department and the authority to have a
14 sufficient relationship to the public's use of the turnpike in
accordance with section 1974, subsection 6.

16 **Sec. C-3. 23 MRSA §1964, sub-§6-A**, as enacted by IB 1991, c.
18 1, §4, is amended to read:

20 **6-A. Operating surplus.** "Operating surplus" means the
total annual operating revenues of the Maine Turnpike Authority,
22 after money has been put aside to pay the reasonable operating
expenses and to meet the requirements of any resolution
24 authorizing bonds of the Maine Turnpike Authority, including any
amounts pledged to secure obligations issued pursuant to section
26 1968, subsection 2-A or to pay principal, interest or premium, if
any, with respect to these obligations.

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

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

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

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

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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;

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COMMITTEE AMENDMENT "b" to H.P. 1148, L.D. 1587

- 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
resulting from maintenance, construction or reconstruction
8 of the project;
- 10 E. The relative number of vehicles using or expected to use
the project on the way to or from the turnpike;
- 12
- 14 F. The road distance or average road distance of the
project or portions of the project from the nearest entrance
to or exit from the turnpike;
- 16
- 18 G. The effect that maintenance, construction or
reconstruction will have on the flow of traffic to, from and
on the turnpike and in diverting vehicular traffic off or
20 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
not limited to, expert opinion.
- 36

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
44 Columbia and Canadian provinces for the administration of
 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;

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- (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

Appropriatons / 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			
PART A, Section A-2	(63,729)	(75,891)	(139,620)
FEDERAL EXPENDITURES FUND, TOTAL	(63,729)	(75,891)	(139,620)

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2	Highway Garage Fund			
4	PART A, Section A-3	(180,621)	(188,717)	(369,338)
6	HIGHWAY GARAGE FUND, TOTAL	(180,621)	(188,717)	(369,338)

8

HIGHWAY FUND UNDEDICATED REVENUES

10

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

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

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

30 **STATEMENT OF FACT**

32 This amendment is one of 2 minority reports. It eliminates allocations in the bill for the state highway maintenance paving program, the underground fuel tank program, the underground floor drain program and the hazardous waste storage program. It reduces the allocation in the bill to the sand-salt storage program.

38 This amendment also lowers the maximum amount of bonds issued for the purpose of funding Department of Transportation projects from \$40,000,000 to \$18,000,000. It requires the bonds to be issued prior to January 1, 1997. It clarifies the process by which the Department of Transportation and the authority determine projects eligible for funding from this source. It adds a section of unallocated law to state that the provisions of the Maine Revised Statutes, Title 23, section 1974, former section 4 are reflected in Title 23, section 1974, subsection 6 for purposes of any resolution initially adopted prior to the repeal of Title 23, section 1974, subsection 4. It also makes technical changes to the bill.

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