

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST SPECIAL SESSION-1997

Legislative Document

No. 1823

S.P. 620

In Senate, April 28, 1997

**An Act to Continue the Operation of State Government for the First Two
Quarters of the Fiscal Year Ending June 30, 1998.**

(EMERGENCY)

Received by the Secretary of the Senate on April 17, 1997. Referred to the Committee on Appropriations and Financial Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator AMERO of Cumberland.
Cosponsored by Representative CAMPBELL of Holden and
Senators: BENNETT of Oxford, BUTLAND of Cumberland, Representatives: GERRY of
Auburn, MARVIN of Cape Elizabeth.

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

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

8 **Whereas,** certain obligations and expenses incident to the
operation of state departments and institutions will become due
and payable immediately; and

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12 **Whereas,** legislation must be in place prior to July 1, 1997
in order to continue the various programs and services into the
first 2 quarters of fiscal year 1997-98; and

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16 **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,

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

24 **Sec. 1. Appropriations and allocations.** The Legislature hereby
appropriates and allocates funds from the state treasury for the
departments and agencies of State Government in amounts not to
exceed fiscal year 1996-97 first and 2nd quarter allotments.

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30 **Sec. 2. Operation of State Government; first and 2nd quarters of**
fiscal year 1997-98. The State Controller shall authorize
expenditures that must not exceed the allotments in effect for
the first and 2nd quarters of fiscal year 1996-97 as established
by all legislation providing appropriations and allocations for
the 1996-97 biennium upon receipt of allotments duly approved by
the Governor based upon work programs submitted to the State
Budget Officer. All authorization to incur expenditures
terminates on December 31, 1997.

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38 **Sec. 3. Transfers authorized; debt service.** Notwithstanding the
Maine Revised Statutes, Title 5, section 1585, the Governor is
authorized to transfer, via financial order, resources available
in one department or agency or in unappropriated surplus of the
General Fund and Highway Fund to fund General Fund and Highway
Fund debt service obligations in the Office of the Treasurer of
State and the Department of Transportation, respectively.

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46 **Sec. 4. General provisions.** For the purposes of this Act,
General Fund appropriations and Highway Fund allocations for debt

2 service mean the amount needed in the first and 2nd quarters of
3 fiscal year 1997-98 to meet the current fiscal year debt
4 obligations. Also for the purposes of this Act, all laws
5 providing guidance to the fiscal year 1996-97 budgets, regardless
6 of funding source, remain in effect for the first and 2nd
7 quarters of fiscal year 1997-98.

8 **Sec. 5. Report.** The Commissioner of Administrative and
9 Financial Services shall provide a monthly status report to the
10 Joint Standing Committee on Appropriations and Financial Affairs
11 no later than the 5th of each month regarding any and all
12 expenditures authorized in section 2 of this Act and any and all
13 transfers authorized by section 3 of this Act.

14 **Sec. 6. Contingent effect; date.** This Act takes effect only if
15 the effect of Public Law 1997, chapter 24 is suspended pursuant
16 to the Constitution of Maine, Article IV, Part Third, Section
17 17. This Act takes effect upon the filing of a petition meeting
18 the requirements specified in the Constitution of Maine, Article
19 IV, Part Third, Section 17.

20 **Sec. 7. Legislation required.** If Public Law 1997, chapter 24 is
21 subject to a petition for a people's veto under the Constitution
22 of Maine, Article IV, Part Third, Section 17 and is ratified by
23 the majority of the electors at an election held pursuant to that
24 section of the constitution, the Governor shall submit
25 legislation to the Second Regular Session of the 118th
26 Legislature by December 15, 1997 to adjust any allocations or
27 appropriations to reflect any allotments made pursuant to this
28 Act.

29 **Emergency clause.** In view of the emergency cited in the
30 preamble, this Act takes effect July 1, 1997.

34 SUMMARY

35 This bill provides a mechanism to ensure that State
36 Government may continue to operate in the first and 2nd quarters
37 of fiscal years 1997-98 in the event that Public Law 1997,
38 chapter 24 is suspended by operation of the Constitution of
39 Maine, Article IV, Part Third, Section 17.