

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST SPECIAL SESSION-1997

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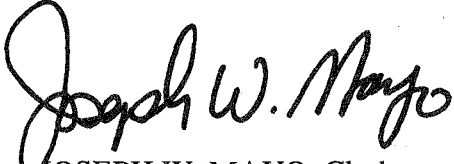
H.P. 1337

House of Representatives, May 23, 1997

An Act Concerning Certain Biennial Budget Bills and to Change Certain Provisions of the Law.

(EMERGENCY)

Reported by Representative KERR for the Joint Standing Committee on Appropriations and Financial Affairs pursuant to Joint Order H.P. 148.


JOSEPH W. MAYO, Clerk

MAINE LEGISLATURE
OFFICE OF THE CLERK
TOLSON BLDG
HARRISBURG, PA 17104

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

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

8 **Whereas,** certain obligations and expenses will become due
and payable prior to July 1, 1997; and

10 **Whereas,** in the judgment of the Legislature, these facts
12 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
14 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

18 **PART A**

20 **Sec. A-1. Adjustments to allocations.** Allocations from the Maine
22 Nuclear Emergency Planning Fund, the Public Utilities Commission
Regulatory Fund, the Public Utilities Commission Reimbursement
24 Fund, the Public Advocate Regulatory Fund, the Ground Water Oil
Clean-up Fund, the Maine Coastal and Inland Surface Oil Clean-up
26 Fund, the Maine Hazardous Waste Fund, the State Alcoholic
Beverages Fund and the State Lottery Fund and all federal block
28 grant allocations may be increased or adjusted by the State
Budget Officer, with the approval of the Governor, to
30 specifically cover those adjustments determined necessary under
any salary plan approved by the Legislature and those
32 reclassifications and range changes that have been approved by
the Department of Administrative and Financial Services and
34 submitted for legislative review prior to the effective date of
Public Law 1997, chapter 24.

36 **Sec. A-2. Allotments required - Bureau of Alcoholic Beverages and**
38 **Lottery Operations.** Upon receipt of allotments duly approved by
the Governor, based upon work programs submitted to the State
40 Budget Officer, the State Controller shall authorize expenditures
from allocations from the State Alcoholic Beverages Fund and the
42 State Lottery Fund in Part A of Public Law 1997, chapter 24, on
the basis of these allotments and not on any other basis.

44 **Sec. A-3. Federal block grant additional funds.** Any additional
46 funds that become available due to implementation of the federal
block grants and the possible overlapping of other grants may be
48 carried forward for future allocations by the

Legislature or may be used to offset any possible reductions in the federal block grants.

Sec. A-4. Federal block grant encumbered balances at year-end. At the end of each fiscal year, all encumbered balances in the federal block grants may not be carried forward more than one time, except that encumbered balances in the Community Development Block Grant may be carried twice and encumbered balances of grant awards for capital construction projects may carry until the completion of the project, provided that the construction was started prior to the end of the year for which the allocation was made.

Sec. A-5. Capital expenditures. Notwithstanding the allocations in Part A of Public Law 1997, chapter 24 and the provision of section 2 of this Part, up to \$500,000 in the State Alcoholic Beverages Fund and up to \$90,000 in the State Lottery Fund may be expended for capital expenditures in each fiscal year of the biennium.

Sec. A-6. Legislative intent. It is the intent of the Legislature that allocations by the Legislature from the State Alcoholic Beverages Fund and the State Lottery Fund in Part A of Public Law 1997, chapter 24 apply to administrative expenses only and that these allocations must be allotted and approved under the Maine Revised Statutes, Title 5. It is not the intent of the Legislature to affect the use of the working capital provided under Title 28-A or other activities required of the State Liquor and Lottery Commission under Title 28-A.

Sec. A-7. Ground Water Oil Clean-up Fund; Maine Coastal and Inland Surface Oil Clean-up Fund; Maine Hazardous Waste Fund; encumbered balances at year-end. At the end of each fiscal year, all encumbered balances in the Ground Water Oil Clean-up Fund, the Maine Coastal and Inland Surface Oil Clean-up Fund and the Maine Hazardous Waste Fund may not be carried forward more than one time.

PART B

Sec. B-1. 5 MRSA §1670, sub-§4 is enacted to read:

4. Budget approval. All budget recommendations pertaining to federal block grants must be submitted as part of the unified current services budget legislation in accordance with sections 1663 to 1666.

Sec. B-2. 5 MRSA §1886, sub-§2-A, ¶D, as amended by PL 1991, c. 780, Pt. Y, §88, is further amended to read:

2 D. Submit a budget of estimated revenues and costs to be
3 incurred by the program ~~in the same manner as required for~~
4 ~~the General Fund in chapters 145 and 149~~ as part of the
5 unified current services budget legislation in accordance
6 with sections 1663 to 1666. Notwithstanding section 1583,
7 allocations may be increased or adjusted by the State Budget
8 Officer, with approval of the Governor, to specifically
9 cover those adjustments determined to be necessary by the
10 Commissioner of Administrative and Financial Services.
11 Further, any request for adjustment to the allocation is
12 subject to review by the joint standing committee of the
13 Legislature having jurisdiction over appropriations and
14 financial affairs; and

15 **Sec. B-3. 28-A MRSA §61, sub-§6,** as enacted by PL 1987, c. 45,
16 Pt. A, §4, is amended to read:

17 6. **Expenses.** The expenses for the administration of the
18 commission in carrying out the duties as set forth in this Title
19 shall ~~must~~ be paid from such amounts as the Legislature may
20 allocate from the revenues derived from the operations of the
21 commission. The commission shall submit its budget
22 recommendations as part of the unified current services budget
23 legislation in accordance with Title 5, sections 1663 to 1666.
24 These amounts shall ~~must~~ become available in accordance with
25 Title 5, chapters 141 to 155.

26 **Sec. B-4. 35-A MRSA §116, sub-§2,** as amended by PL 1991, c.
27 343, §2, is further amended to read:

28 2. **Committee recommendations; legislative approval of**
29 **budget.** The commission shall submit its budget recommendations
30 as part of the unified current services budget legislation in
31 accordance with Title 5, sections 1663 to 1666. The joint
32 standing committee of the Legislature having jurisdiction over
33 public utilities shall make recommendations to the joint standing
34 committee of the Legislature having jurisdiction over
35 appropriations and financial affairs regarding all expenditures
36 from the fund established pursuant to this section. ~~Except as~~
37 ~~otherwise provided, the assessments and expenditures provided in~~
38 ~~this section are subject to legislative approval in the same~~
39 ~~manner as the budget of the Public Utilities Commission is~~
40 ~~approved.~~ The commission shall make an annual report in
41 accordance with section 120 of its planned expenditures for the
42 year and on its use of funds in the previous year. The
43 commission may also receive other funds as appropriated by the
44 Legislature.

45 **Sec. B-5. 35-A MRSA §116, sub-§8,** as amended by PL 1995, c.
46 665, Pt. O, §1, is further amended to read:

2 **8. Public Advocate assessment.** Every utility subject to
3 assessment under this section is subject to an additional annual
4 assessment on its intrastate gross operating revenues to produce
5 ~~\$617,680 in revenues for fiscal year 1995-96 and \$645,860 in~~
6 ~~fiscal year 1996-97~~ sufficient revenue for expenditures allocated
7 by the Legislature for operating the Office of Public Advocate.
8 The revenues produced from this assessment are transferred to the
9 Public Advocate Regulatory Fund and may only be used to fulfill
10 the duties specified in chapter 17. The assessments charged to
11 utilities under this subsection are considered just and
12 reasonable operating costs for rate-making purposes. The Public
13 Advocate shall develop a method of accounting for staff time
14 within the Office of Public Advocate. All professional and
15 support staff shall account for their time in such a way as to
16 identify the percentage of time devoted to public utility
17 regulation and the percentage of time devoted to other duties
18 that may be required by law.

20 A. The Public Advocate shall submit its budget
21 recommendations as part of the unified current services
22 budget legislation in accordance with Title 5, sections 1663
23 to 1665. The assessments and expenditures provided in this
24 section are subject to legislative approval ~~in the same~~
25 ~~manner as the budget of the Public Advocate is approved.~~
26 The Public Advocate shall make an annual report of its
27 planned expenditures for the year and on its use of funds in
28 the previous year. The Public Advocate may also receive
29 other funds as appropriated by the Legislature.

32 B. The Public Advocate may use the revenues provided in
33 accordance with this section to fund 7 employees and to
34 defray the costs incurred by the Public Advocate pursuant to
35 this Title, including administrative expenses, general
36 expenses, consulting fees and all other reasonable costs
37 incurred to administer this Title.

38 C-1. Except as specified in this subsection, funds that are
39 not expended at the end of a fiscal year do not lapse but
40 must be carried forward to be expended for the purposes
41 specified in this section in succeeding fiscal years; but
42 unexpended funds in excess of 10% of the total annual
43 assessment authorized in this section must, at the option of
44 the Public Advocate, either be presented to the Legislature
45 in accordance with paragraph A for reallocation and
46 expenditure or used to reduce the utility assessment in the
47 following fiscal year.

48 D. Any utility, subject to this section, that willfully
49 fails to pay the assessments in accordance with this section
50

2 commits a civil violation for which a forfeiture of not more
than \$500 may be adjudged per day for which payment is not
4 made following the due date.

6 **Sec. B-6. 35-A MRSA §117, sub-§4** is enacted to read:

8 4. Budget approval. The commission shall submit its budget
recommendations for the Public Utilities Commission Reimbursement
10 Fund as part of the unified current services budget legislation
in accordance with Title 5, sections 1663 to 1666.

12 **Sec. B-7. 37-B MRSA §958**, as enacted by PL 1983, c. 460, §3,
is amended to read:

14 **§958. Budget approval**

16 The committee shall report to each Legislature its budget
18 recommendations for disbursements from the fund, together with an
~~allocation bill, as provided in Title 5, section 1664~~ allocations
20 set forth in the unified current services budget legislation in
22 accordance with Title 5, sections 1663 to 1666. The report shall
must be reviewed by the legislative committee having jurisdiction
24 over energy and natural resources prior to action by the
legislative committee having jurisdiction over appropriations and
26 financial affairs. Upon approval of the allocation Act, the
State Controller shall authorize expenditures from the fund, as
approved by the committee.

28 **Sec. B-8. 38 MRSA §555**, as affected by PL 1989, c. 890, Pt.
30 A, §40 and amended by Pt. B, §125, is further amended to read:

32 **§555. Budget approval**

34 The commissioner shall submit budget recommendations for
disbursements from the fund in accordance with section 551,
36 subsection 5, paragraphs A, C, F and H for each biennium. The
budget must be submitted as part of the unified current services
38 budget legislation in accordance with Title 5, sections 1663 to
1666. The State Controller shall authorize expenditures therefrom
40 as approved by the commissioner. Expenditures pursuant to section
551, subsection 5, paragraphs B, D, E and G may be made as
42 authorized by the State Controller following approval by the
commissioner.

44 **Sec. B-9. 38 MRSA §570-A, first ¶**, as amended by PL 1993, c.
46 355, §24, is further amended to read:

48 The commissioner shall submit budget recommendations for
disbursements from the fund in accordance with section 569-A,
50 subsection 8, paragraphs A, C, G, H and I for each biennium. The

2 budget must be submitted as part of the unified current services
3 budget legislation in accordance with Title 5, sections 1663 to
4 1666. The State Controller shall authorize expenditures from the
5 fund as approved by the commissioner. Expenditures pursuant to
6 section 569-A, subsection 8, paragraphs B, D, E and J may be made
7 as authorized by the State Controller following approval by the
8 commissioner.

9
10 **Sec. B-10. 38 MRSA §1319-D, 3rd ¶**, as affected by PL 1989, c.
11 890, Pt. A, §40 and amended by Pt. B, §256, is further amended to
12 read:

13
14 The commissioner shall submit budget recommendations for
15 disbursements from the fund in accordance with section 1319-E,
16 subsection 1, paragraphs C and E for each biennium. The budget
17 must be submitted as part of the unified current services budget
18 legislation in accordance with Title 5, sections 1663 to 1666.
19 The State Controller shall authorize expenditures therefrom as
20 approved by the commissioner. Expenditures pursuant to section
21 1319-E, subsection 1, paragraphs A and D may be made as
22 authorized by the State Controller following approval by the
23 commissioner.

24 **Emergency clause.** In view of the emergency cited in the
25 preamble, this Act takes effect when approved.
26

28 FISCAL NOTE

29
30 The Legislature may realize minor savings from the
31 elimination of the requirements that individual allocation bills
32 be prepared and printed.

34 SUMMARY

35
36 Part A of this bill includes unallocated language to guide
37 the management of numerous Other Special Revenue, Federal Block
38 Grant funds and enterprise funds.

39
40 Part B eliminates the various statutory requirements for
41 individual allocation bills for the Federal Block Grant Fund, the
42 Bureau of Alcoholic Beverages and Lottery Operations, the Public
43 Utilities Commission Regulatory Fund, the Public Advocate
44 Regulatory Fund, the Public Utilities Commission Reimbursement
45 Fund, the Maine Nuclear Emergency Planning Fund, the Maine
46 Coastal and Inland Surface Oil Clean-up Fund, the Ground Water
47 Oil Clean-up Fund and the Maine Hazardous Waste Fund.
48