

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 1536

S.P. 472

In Senate, March 8, 2001

### **An Act to Clarify the Use of Funds for Reclassifications and Temporary Positions.**

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Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by President MICHAUD of Penobscot.  
Cosponsored by Representative BERRY of Livermore.

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

2           **Sec. 1. 5 MRSA §1583-A**, as amended by PL 1999, c. 401, Pt. J,  
4       §1, is further amended to read:

6       **§1583-A. Creation of positions**

8           Notwithstanding any other provision of law except sections  
10       1676 and 1676-A, limited period, project or any other temporary  
12       positions may be established by financial order so long as the  
14       end date for such positions does not exceed the statutory  
16       adjournment date for the next regular session of the Legislature,  
18       and such positions and position actions are not intended to be  
      ongoing or to provide ongoing services. Temporary positions  
      established by financial order may not be continued past the  
      statutory adjournment date unless the Legislature specifically  
      appropriates or allocates funds to continue those positions.

20           **Sec. 2. 5 MRSA §1676**, as enacted by PL 1997, c. 24, Pt. EE,  
      §1, is amended to read:

22       **§1676. Transfer from salary plan**

24           Notwithstanding section 1585, available balances in the  
26       General Fund Salary Plan program in the Department of  
28       Administrative and Financial Services that are no ~~long~~ longer  
30       required for the purposes for which they were appropriated may be  
32       made available by financial order upon the recommendation of the  
      State Budget Officer and approval of the Governor to be used to  
      meet the fixed obligation of the General Fund for the unfunded  
      actuarial liability in each fiscal year. Any other available  
      balances in the General Fund Salary Plan may only be used or made  
      available in accordance with legislative authorization.

34           **Sec. 3. 5 MRSA §1676-A**, as enacted by PL 1997, c. 25, Pt. M,  
36       §1, is amended to read:

38       **§1676-A. Transfer from Highway Fund Salary Plan**

40           Notwithstanding section 1585, available balances in the  
42       Highway Fund Salary Plan program in the Department of  
44       Administrative and Financial Services that are no longer required  
46       for the purposes for which they were allocated may be made  
48       available by financial order upon the recommendation of the State  
      Budget Officer and approval of the Governor to be used to meet  
      the fixed obligation of the Highway Fund for the unfunded  
      actuarial liability in each fiscal year. Any other available  
      balances in the Highway Fund Salary Plan may only be used or made  
      available in accordance with legislative authorization.

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## SUMMARY

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This bill restricts the use of the General Fund Salary Plan and Highway Fund Salary Plan so that they may not be used to fund reclassifications or the creation of temporary positions without specific legislative authorization. This bill also clarifies that temporary positions are not intended to be ongoing or to provide ongoing services.