

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 1974

H.P. 1382

House of Representatives, January 24, 2006

An Act To Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2005 and June 30, 2006

(EMERGENCY)

Reference to the Committee on Transportation suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MARLEY of Portland. (GOVERNOR'S BILL)
Cosponsored by Representative: McKENNEY of Cumberland, Senators: DAMON of Hancock, SAVAGE of Knox.

2 Initiative: Provides funding for a new heating system at the
Maine State Police garage in South Portland.

4	GENERAL FUND - (INFORMATIONAL)	2005-06	2006-07
	Capital Expenditures	\$18,500	\$0
6		<hr/>	<hr/>
	GENERAL FUND - (INFORMATIONAL) TOTAL	\$18,500	\$0
8			
	HIGHWAY FUND	2005-06	2006-07
10	Capital Expenditures	\$31,500	\$0
12		<hr/>	<hr/>
	HIGHWAY FUND TOTAL	\$31,500	\$0

14 **State Police 0291**

16 Initiative: Provides funding for increased vehicle fuel costs.

18	GENERAL FUND - (INFORMATIONAL)	2005-06	2006-07
	All Other	\$63,125	\$59,314
20		<hr/>	<hr/>
	GENERAL FUND - (INFORMATIONAL) TOTAL	\$63,125	\$59,314
22			
	HIGHWAY FUND	2005-06	2006-07
24	All Other	\$3,539	\$0
26		<hr/>	<hr/>
	HIGHWAY FUND TOTAL	\$3,539	\$0

28 **Motor Vehicle Inspection 0329**

30 Initiative: Provides funding for increased vehicle fuel costs.

32	HIGHWAY FUND	2005-06	2006-07
	All Other	\$0	\$1,504
34		<hr/>	<hr/>
	HIGHWAY FUND TOTAL	\$0	\$1,504

36 **Traffic Safety 0546**

38 Initiative: Provides funding for increased vehicle fuel costs.

40	HIGHWAY FUND	2005-06	2006-07
42	All Other	\$0	\$1,800
44		<hr/>	<hr/>
	HIGHWAY FUND TOTAL	\$0	\$1,800

46 **Traffic Safety - Commercial Vehicle Enforcement 0715**

48 Initiative: Provides funding for increased vehicle fuel costs.

50	HIGHWAY FUND	2005-06	2006-07
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2	All Other	\$25,968	\$7,404
	HIGHWAY FUND TOTAL	<u>\$25,968</u>	<u>\$7,404</u>
4			
6	PUBLIC SAFETY, DEPARTMENT OF		
	DEPARTMENT TOTALS	2005-06	2006-07
8	GENERAL FUND - (INFORMATIONAL)	\$81,625	\$59,314
	HIGHWAY FUND	\$61,007	\$10,708
10			
	DEPARTMENT TOTAL - ALL FUNDS	<u>\$142,632</u>	<u>\$70,022</u>
12			
14	SECRETARY OF STATE, DEPARTMENT OF		
16	Administration - Motor Vehicles 0077		
18	Initiative: Continues 14 Motor Vehicle Service Representative		
20	positions established in Financial Order 002087 F6 for the		
	purpose of handling increased customer transactions involving		
	driver's licenses.		
22	HIGHWAY FUND	2005-06	2006-07
	POSITIONS - LEGISLATIVE COUNT	14.000	14.000
24	Personal Services	\$120,484	\$667,828
26	HIGHWAY FUND TOTAL	<u>\$120,484</u>	<u>\$667,828</u>
28	Administration - Motor Vehicles 0077		
30	Initiative: Provides funding to reimburse the Administration -		
32	Motor Vehicles program. These funds were used to establish 14		
	Motor Vehicle Service Representative positions in motor vehicle		
	offices statewide in Financial Order 002087 F6.		
34			
	HIGHWAY FUND	2005-06	2006-07
36	All Other	\$172,466	\$0
	Capital Expenditures	\$205,684	\$0
38	HIGHWAY FUND TOTAL	<u>\$378,150</u>	<u>\$0</u>
40			
42	Administration - Motor Vehicles 0077		
44	Initiative: Provides funding to reimburse the Administration -		
	Motor Vehicles program for a deallocation in Public Law 2005,		
	chapter 457, Part GGG.		
46			
	HIGHWAY FUND	2005-06	2006-07
48	All Other	\$190,000	\$0
50	HIGHWAY FUND TOTAL	<u>\$190,000</u>	<u>\$0</u>

2 **Administration - Motor Vehicles 0077**

4 Initiative: Reduces funding approved in Public Law 2005, chapter
6 411 that provided funds for certain services from licensed sign
 language interpreters.

8	HIGHWAY FUND	2005-06	2006-07
10	All Other	(\$66,000)	(\$101,000)
12	HIGHWAY FUND TOTAL	<u>(\$66,000)</u>	<u>(\$101,000)</u>

12 **Administration - Motor Vehicles 0077**

14 Initiative: Provides funding to pay the \$1 driver's license
16 agent fee for processing driver's licenses, state identifications
 and duplicate driver's licenses on-line.

18	HIGHWAY FUND	2005-06	2006-07
20	All Other	\$12,000	\$15,600
22	HIGHWAY FUND TOTAL	<u>\$12,000</u>	<u>\$15,600</u>

24 **Administration - Motor Vehicles 0077**

26 Initiative: Provides funding for an engineering study, capital
28 improvements for building security and computer room security at
 the Bureau of Motor Vehicles building at 101 Hospital Street in
 Augusta.

30	HIGHWAY FUND	2005-06	2006-07
32	All Other	\$20,000	\$0
34	Capital Expenditures	\$118,500	\$0
36	HIGHWAY FUND TOTAL	<u>\$138,500</u>	<u>\$0</u>

36 **SECRETARY OF STATE, DEPARTMENT OF**
38 **DEPARTMENT TOTALS**

38		2005-06	2006-07
40	HIGHWAY FUND	\$773,134	\$582,428
42	DEPARTMENT TOTAL - ALL FUNDS	<u>\$773,134</u>	<u>\$582,428</u>

44 **TRANSPORTATION, DEPARTMENT OF**

46 **Bond Interest - Highway 0358**

48 Initiative: Allocates funding for debt service interest on bonds
50 issued for highway and bridge improvement projects.

2	HIGHWAY FUND	2005-06	2006-07
	All Other	\$0	\$438,603
4	HIGHWAY FUND TOTAL	<u>\$0</u>	<u>\$438,603</u>
6	Highway and Bridge Improvement 0406		
8	Initiative: Provides funding for capital improvement projects		
10	resulting from increased revenue estimates provided by the		
	Revenue Forecasting Committee in December 2005.		
12	HIGHWAY FUND	2005-06	2006-07
	Capital Expenditures	\$2,225,000	\$2,611,397
14	HIGHWAY FUND TOTAL	<u>\$2,225,000</u>	<u>\$2,611,397</u>
16	Callahan Mine Site Restoration 2007		
18	Initiative: Provides funding for continued mitigation expenses		
20	of the Callahan Mine site.		
22	OTHER SPECIAL REVENUE FUNDS	2005-06	2006-07
	All Other	\$500,000	\$500,000
24	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$500,000</u>	<u>\$500,000</u>
26	Island Ferry Service 0326		
28	Initiative: Provides funding for the collective bargaining cost		
30	of the Maine State Ferry Service. Funding for fiscal year		
32	2005-06 reflects resources transferred from the Marine Highway		
34	Transportation program. Fiscal year 2006-07 funding is provided		
	by an anticipated increase in Maine State Ferry Service revenues.		
36	ISLAND FERRY SERVICES FUND	2005-06	2006-07
	Personal Services	\$109,253	\$222,165
38	ISLAND FERRY SERVICES FUND TOTAL	<u>\$109,253</u>	<u>\$222,165</u>
40	Island Ferry Service 0326		
42	Initiative: Provides funding for the increased cost of fuel for		
44	ferry vessels.		
46	ISLAND FERRY SERVICES FUND	2005-06	2006-07
	All Other	\$300,000	\$0
48	ISLAND FERRY SERVICES FUND TOTAL	<u>\$300,000</u>	<u>\$0</u>
50	Marine Highway Transportation 2016		

2 Initiative: Provides funding for the collective bargaining cost
 4 of the Maine State Ferry Service. Funding for fiscal year
 6 2005-06 reflects resources transferred from the Marine Highway
 Transportation program. Fiscal year 2006-07 funding is provided
 by an anticipated increase in Maine State Ferry Service revenues.

8	HIGHWAY FUND	2005-06	2006-07
	All Other	\$109,253	\$0
10		<hr/>	<hr/>
	HIGHWAY FUND TOTAL	\$109,253	\$0

12 **Marine Highway Transportation 2016**

14 Initiative: Provides funding for the increased cost of fuel for
 16 ferry vessels.

18	HIGHWAY FUND	2005-06	2006-07
	All Other	\$300,000	\$0
20		<hr/>	<hr/>
	HIGHWAY FUND TOTAL	\$300,000	\$0

22 **Maintenance and Operations 0330**

24 Initiative: Provides funding for the increased cost of heating
 26 oil, diesel, salt and plow steel.

28	HIGHWAY FUND	2005-06	2006-07
	All Other	\$2,350,954	\$0
30		<hr/>	<hr/>
	HIGHWAY FUND TOTAL	\$2,350,954	\$0

32 **Maintenance and Operations 0330**

34 Initiative: Reduces funds due to a reimbursement of Federal
 36 Emergency Management Agency costs.

38	HIGHWAY FUND	2005-06	2006-07
	Personal Services	(\$374,261)	\$0
40	All Other	(\$1,069,503)	\$0
42		<hr/>	<hr/>
	HIGHWAY FUND TOTAL	(\$1,443,764)	\$0

44 **Maintenance and Operations 0330**

46 Initiative: Reduces funds for rental costs due to a one-time
 48 increase in Fleet Services resources as a result of the
 divestiture of the employee health fund.

50	HIGHWAY FUND	2005-06	2006-07
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2	All Other	(\$1,316,443)	\$0
4	HIGHWAY FUND TOTAL	(\$1,316,443)	\$0
6	TRANSPORTATION, DEPARTMENT OF		
8	DEPARTMENT TOTALS	2005-06	2006-07
10	HIGHWAY FUND	\$2,225,000	\$3,050,000
12	OTHER SPECIAL REVENUE FUNDS	\$500,000	\$500,000
14	ISLAND FERRY SERVICES FUND	\$409,253	\$222,165
16	DEPARTMENT TOTAL - ALL FUNDS	\$3,134,253	\$3,772,165

16 **PART B**

18 **Sec. B-1. PL 2005, c. 12, Pt. PPP, §2** is amended to read:

20 **Sec. PPP-2. Costs to Highway Fund.** Costs to the Highway Fund
 22 must be provided in the Salary Plan account referred to in this
 24 Act to cover the costs to the Highway Fund in the amount of
 26 \$3,704,004 for the fiscal year ending June 30, 2006 and in the
 28 amount of \$7,594,947 for the fiscal year ending June 30, 2007 to
 30 implement the economic terms of the collective bargaining
 32 agreements, including market pay adjustments and benefits, made
 by the State and the Maine State Employees Association, American
 Federation of State, County and Municipal Employees and, Maine
 State Troopers Association, and Maine State Law Enforcement
 Association, and, notwithstanding the Maine Revised Statutes,
 Title 26, section 979-D, subsection 1, paragraph E, subparagraph
 (3), for confidential employees.

34 **PART C**

36 **Sec. C-1. 23 MRS §4210-C, sub-§2,** as enacted by PL 2005, c.
 38 457, Pt. GGG, §3, is amended to read:

40 **2. Purpose of account.** The purpose of the account is to
 42 allow the Highway Fund to provide support to the Maine State
 44 Ferry Service that was previously provided by the General Fund
 because ferries are an integral part of the highway system and
 carry motor vehicles and are the only method of vehicular
 46 transportation available to and from the islands. The state
 support to the Marine Highway account may not exceed 50% of the
 budgeted revenues that support the operating cost of the Maine
 48 State Ferry Service.

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PART D

Sec. D-1. Transfer of Highway Fund unallocated balance; capital program needs; Department of Transportation. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, at the close of fiscal years 2005-06 and 2006-07, the State Controller shall transfer amounts exceeding \$1,000,000 from the unallocated balance in the Highway Fund after the deduction of all allocations, financial commitments, other designated funds or any other transfer authorized by statute and the fiscal year 2005-06 unallocated balance dedicated to the fiscal year 2006-07 budgets to the Department of Transportation for capital needs in the Highway and Bridge Improvement and Maintenance and Operations programs. The Commissioner of Transportation is authorized to allot these funds by financial order upon the recommendation of the State Budget Officer and the approval of the Governor. Within 30 days of approval of the financial order, the Commissioner of Transportation shall provide to the members of the joint standing committee of the Legislature having jurisdiction over transportation matters a report detailing the financial status of the department's capital program.

PART E

Sec. E-1. Transfer authorized. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, for the fiscal years ending June 30, 2006 and June 30, 2007 the Commissioner of Transportation is authorized to transfer, by financial order upon the recommendation of the State Budget Officer and approval of the Governor, identified Highway Fund Personal Services savings to any other program or line category within the Highway Fund to fund capital program needs. The financial order must identify the specific savings in Personal Services after assuming all costs for that program including collective bargaining costs. The Commissioner of Transportation shall provide a report by September 15, 2006 and September 15, 2007 to the members of the joint standing committee of the Legislature having jurisdiction over transportation matters detailing the financial adjustments to the Highway Fund.

PART F

Sec. F-1. Transfer of Personal Services allocations. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, available balances of Highway Fund allocations for Personal Services in fiscal years 2005-06 and 2006-07 may be transferred by financial order between programs and departments

2 within the Highway Fund upon recommendation of the State Budget
Officer and approval of the Governor to be used for costs
4 associated with collective bargaining agreements for state
employees.

6
8 **PART G**

Sec. G-1. Bond Retirement - Highway Fund; lapsed balances.

10 Notwithstanding any other provision of law, \$2,222 of the
unencumbered balance in fiscal year 2004-05 in the Bond
12 Retirement - Highway Fund account in the Department of
Transportation lapses to the unallocated surplus in the Highway
14 Fund in fiscal year 2005-06.

16 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.
18

20 **SUMMARY**

22 Part A

24 Part A makes supplemental allocations for fiscal years
2005-06 and 2006-07.
26

28 Part B

30 Part B adds the Maine State Law Enforcement Association to
the bargaining units authorized to access funding in the Highway
Fund Salary Plan account to implement economic terms of
32 collective bargaining agreements for fiscal years ending June 30,
2006 and June 30, 2007.
34

36 Part C

38 Part C limits the state support to the Marine Highway
account to 50% of the budgeted revenues that support the
operating cost of the Maine State Ferry Service.
40

42 Part D

44 Part D transfers amounts exceeding \$1,000,000 from the
unallocated balance in the Highway Fund after the deduction of
all allocations, financial commitments, other designated funds or
46 any other transfer authorized by statute to the Department of
Transportation for capital needs in the Highway and Bridge
48 Improvement and Maintenance and Operations programs.

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Part E

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Part E transfers identified Highway Fund Personal Services savings to any other program or line category within the Highway Fund to fund capital program needs.

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Part F

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Part F authorizes available Personal Services balances in the Highway Fund accounts to be transferred between programs and departments within the fund by financial order to be used for collective bargaining agreement costs.

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Part G

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Part G lapses \$2,222 of the unencumbered balance in fiscal year 2004-05 in the Bond Retirement - Highway Fund account in the Department of Transportation to the unallocated surplus in the Highway Fund in fiscal year 2005-06.

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FISCAL NOTE REQUIRED
(See attached)

FISCAL NOTE

ALLOCATIONS

	2005-06	2006-07	BIENNIUM
HIGHWAY FUND			
Part A, Section 1	3,159,141	3,693,136	6,852,277
Total	<u>3,159,141</u>	<u>3,693,136</u>	<u>6,852,277</u>

ADJUSTMENTS TO BALANCE

Highway Fund Unallocated Surplus

	2005-06	2006-07	BIENNIUM
Part G, Section 1			
Transportation, Department of	2,222		2,222
Total	<u>2,222</u>		<u>2,222</u>