

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2008

Legislative Document

No. 2324

S.P. 932

April 17, 2008

An Act To Expedite the Maintenance and Repair of Maine's Transportation Network

(AFTER DEADLINE)

(EMERGENCY)

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

Reference to the Committee on Transportation 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 Senator DAMON of Hancock.
Cosponsored by Representative MARLEY of Portland and
Senators: President EDMONDS of Cumberland, GOOLEY of Franklin, MARTIN of
Aroostook, MILLS of Somerset, MITCHELL of Kennebec, RAYE of Washington, SAVAGE
of Knox, SCHNEIDER of Penobscot, Representatives: CANAVAN of Waterville, Speaker
CUMMINGS of Portland, EBERLE of South Portland, FAIRCLOTH of Bangor, FITTS of
Pittsfield, PEOPLES of Westbrook, PIEH of Bremen, TUTTLE of Sanford.

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

3 **Whereas,** infrastructure work must begin immediately to accommodate the
4 construction season; and

5 **Whereas,** the work generated by issuance of the bonds under this legislation will
6 generate employment in the road construction industry; and

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

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

12 **Sec. 1. 25 MRSA §1509-A** is enacted to read:

13 **§1509-A. Funding**

14 Beginning in fiscal year 2009-10, state funding for the Department of Public Safety,
15 Bureau of State Police must be provided as follows:

16 **1. Highway Fund.** Forty-nine percent must be allocated from the Highway Fund
17 pursuant to Title 23, section 1653; and

18 **2. General Fund.** Fifty-one percent must be appropriated from the General Fund.

19 **Sec. 2. PL 2007, c. 537, §3** is repealed.

20 **Sec. 3. Transfer from Maine Budget Stabilization Fund; TransCap Trust**
21 **Fund.** By June 30, 2009 the State Controller shall transfer \$5,000,000 from the Maine
22 Budget Stabilization Fund established in the Maine Revised Statutes, Title 5, section
23 1532 to the TransCap Trust Fund established in Title 30-A, section 6006-G.

24 **Sec. 4. Calculation and transfer; Highway Fund allocations reductions to**
25 **Bureau of State Police.** For the biennial budget year beginning July 1, 2009, the State
26 Budget Officer shall calculate the reduction in Highway Fund allocations to the
27 Department of Public Safety, Bureau of State Police resulting from the percentage
28 reduction from 60% as required under the Maine Revised Statutes, former section 1509 to
29 49% in the section of this Act that enacts Title 25, section 1509-A and shall notify the
30 State Controller, who shall transfer that amount from the Highway Fund to the TransCap
31 Trust Fund established by Title 30-A, section 6006-G.

32 **Sec. 5. Authorization to issue TransCap Trust Fund revenue bonds for**
33 **highways.** Notwithstanding any other provision of law, the Maine Municipal Bond
34 Bank, at the request of the Department of Transportation, is authorized to issue TransCap
35 Trust Fund revenue bonds as provided in the Maine Revised Statutes, Title 30-A, section
36 6006-G from time to time in amounts that in total do not exceed \$50,000,000 from the

1 effective date of this Act to fiscal year 2012-13 for the purpose of undertaking highway
2 reconstruction projects in the State. This section does not limit the ability to authorize
3 additional TransCap Trust Fund revenue bonds for additional transportation needs or any
4 other eligible purpose.

5 **Sec. 6. Legislative findings.** The Legislature finds that apportioning the funding
6 for the Bureau of State Police between 51% from the General Fund and 49% from the
7 Highway Fund is a fair and equitable method of funding for that bureau. The Legislature
8 further finds that this Act, together with prior use of General Fund resources to pay for
9 services and capital projects normally covered by the Highway Fund, constitutes an
10 equitable division of revenues and spending between the 2 funds now and in the future.

11 **Sec. 7. Effective date.** That section of this Act that enacts the Maine Revised
12 Statutes, Title 25, section 1509-A takes effect July 1, 2009.

13 **Emergency clause.** In view of the emergency cited in the preamble, this
14 legislation takes effect when approved.

15

SUMMARY

16 This bill authorizes \$50,000,000 in TransCap Trust Fund revenue bonds over the next
17 5 years for highway reconstruction projects. The bill requires a \$5,000,000 transfer from
18 the Maine Budget Stabilization Fund to the trust fund by June 30, 2009 and a transfer for
19 the 2009-10 and ensuing fiscal years of amounts that represent the percentage change of
20 Highway Fund allocations to the Department of Public Safety, Bureau of State Police
21 accomplished in this Act.

22 The bill provides 51% funding for the Bureau of State Police from the General Fund
23 and 49% funding for the Bureau of State Police from the Highway Fund.