

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

SECOND REGULAR SESSION-2010

Legislative Document

No. 1501

S.P. 579

In Senate, December 8, 2009

**An Act To Dedicate Surplus Transportation Funds to Highway
Maintenance and Paving**

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 8, 2009. Referred to the Committee on Transportation pursuant to Joint Rule 308.2 and ordered printed.

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

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator COURTNEY of York.

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

5 Whereas, certain obligations and expenses incident to the operation of state
6 departments and institutions will become due and payable immediately; 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.** 23 MRSA §1654, as amended by PL 1985, c. 737, Pt. B, §21, is repealed
13 and the following enacted in its place:

14 **§1654. Transfers from unallocated Highway Fund surplus**

15 At the close of each fiscal year, the State Controller shall transfer to the Department
16 of Transportation Highway and Bridge Light Capital program for maintenance paving the
17 uncommitted balance in the Highway Fund unallocated surplus account. The amount
18 transferred to this program, when added to previous allocations to the program for the
19 fiscal year in which the uncommitted balance is transferred, may not exceed an amount
20 necessary to perform maintenance paving at a rate of 600 miles per year as calculated by
21 the Department of Transportation and reported to the State Controller. Any excess
22 transfers to the Highway and Bridge Light Capital program must be transferred to the
23 Department of Transportation Highway and Bridge Capital and Maintenance and
24 Operations programs for capital needs. The Commissioner of Transportation may allot
25 these funds by financial order upon the recommendation of the State Budget Officer and
26 the approval of the Governor. The transferred amounts are considered adjustments to
27 allocations. Within 30 days after approval of the financial order, the Commissioner of
28 Transportation shall provide to the joint standing committee of the Legislature having
29 jurisdiction over transportation matters a report detailing the financial status of the
30 department's capital programs.

31 For the purposes of this section, "uncommitted balance in the Highway Fund
32 unallocated surplus account" or "uncommitted balance" means the amount remaining in
33 the account at the close of the fiscal year after the deduction of all allocations, budgeted
34 financial commitments and adjustments considered necessary by the State Controller.

35 The State Controller shall include in the State Controller's official annual financial
36 report at the close of each fiscal year a statement showing all transfers made from the
37 Highway Fund unallocated surplus account for the fiscal period.

38 **Sec. 2.** PL 2009, c. 413, Pt. G is repealed.

1 calculated by the Department of Transportation and reported to the State Controller. Any
2 remaining uncommitted balance must be transferred to the Department of Transportation
3 Highway and Bridge Capital and Maintenance and Operations programs for capital needs.

4 This bill also includes a one-time Highway Fund deallocation of \$142,259 to the
5 Department of Transportation Highway and Bridge Capital program and a corresponding
6 one-time Highway Fund allocation to the Department of Transportation Highway and
7 Bridge Light Capital program, to transfer the adjustment to allocation resulting from the
8 uncommitted balance in the Highway Fund unallocated surplus account at the end of
9 fiscal year 2008-09.