

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

SM  
ROS

L.D. 260

2

Date: 4-21-23

(Filing No. H-59)

3

## TRANSPORTATION

4

Reproduced and distributed under the direction of the Clerk of the House.

5

### STATE OF MAINE

6

### HOUSE OF REPRESENTATIVES

7

### 131ST LEGISLATURE

8

### FIRST SPECIAL SESSION

9

COMMITTEE AMENDMENT "A" to H.P. 165, L.D. 260, "An Act to Make Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2023 "

10

11

12

13

Amend the bill by inserting after the title and before the enacting clause the following:

14

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

15

16

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

17

18

**Whereas,** certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; and

19

20

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

21

22

23

24

Amend the bill by striking out everything after the enacting clause and inserting the following:

25

26

#### 'PART A

27

**Sec. A-1. Appropriations and allocations.** The following appropriations and allocations are made.

28

29

#### TRANSPORTATION, DEPARTMENT OF

30

#### Administration 0339

31

Initiative: Establishes 41 positions to address project development, planning, legal, environmental, safety and human resources needs associated with the department's capital programs. Four of the positions are funded 100% Highway Fund, and the remainder are 50% Federal Expenditures Fund, 45% Highway Fund and 5% Other Special Revenue

32

33

34

# COMMITTEE AMENDMENT

ROS

COMMITTEE AMENDMENT "A" to H.P. 165, L.D. 260

1 Funds. This initiative also eliminates 61.01 vacant full-time equivalent crew positions and  
 2 7 vacant positions to offset the cost of the new positions and generate additional savings to  
 3 the Highway Fund. Position detail is on file with the Bureau of the Budget.

4	<b>HIGHWAY FUND</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>
5	POSITIONS - LEGISLATIVE	1.000	0.000	0.000
6	COUNT			
7	Personal Services	\$10,080	\$0	\$0
8				
9	HIGHWAY FUND TOTAL	<u>\$10,080</u>	<u>\$0</u>	<u>\$0</u>

10 **Fleet Services 0347**

11 Initiative: Provides funding to support the operation of vehicles and equipment necessary  
 12 to maintain the transportation system.

13	<b>FLEET SERVICES FUND - DOT</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>
14	All Other	\$3,600,000	\$0	\$0
15				
16	FLEET SERVICES FUND - DOT	<u>\$3,600,000</u>	<u>\$0</u>	<u>\$0</u>
17	TOTAL			

18 **Fleet Services 0347**

19 Initiative: Provides funding for increased costs of critical items, including paint, salt,  
 20 culverts, guardrail parts, plow blades and vehicle parts.

21	<b>FLEET SERVICES FUND - DOT</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>
22	All Other	\$1,200,000	\$0	\$0
23				
24	FLEET SERVICES FUND - DOT	<u>\$1,200,000</u>	<u>\$0</u>	<u>\$0</u>
25	TOTAL			

26 **Highway and Bridge Capital 0406**

27 Initiative: Establishes 41 positions to address project development, planning, legal,  
 28 environmental, safety and human resources needs associated with the department's capital  
 29 programs. Four of the positions are funded 100% Highway Fund, and the remainder are  
 30 50% Federal Expenditures Fund, 45% Highway Fund and 5% Other Special Revenue  
 31 Funds. This initiative also eliminates 61.01 vacant full-time equivalent crew positions and  
 32 7 vacant positions to offset the cost of the new positions and generate additional savings to  
 33 the Highway Fund. Position detail is on file with the Bureau of the Budget.

34	<b>HIGHWAY FUND</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>
35	POSITIONS - LEGISLATIVE	35.000	0.000	0.000
36	COUNT			
37	POSITIONS - FTE COUNT	(1.000)	0.000	0.000
38	Personal Services	\$104,963	\$0	\$0
39				
40	HIGHWAY FUND TOTAL	<u>\$104,963</u>	<u>\$0</u>	<u>\$0</u>

42	<b>FEDERAL EXPENDITURES FUND</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>
43	Personal Services	(\$507,831)	\$0	\$0

**COMMITTEE AMENDMENT**

ROS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

FEDERAL EXPENDITURES FUND	(\$507,831)	\$0	\$0
TOTAL			

OTHER SPECIAL REVENUE FUNDS	2022-23	2023-24	2024-25
Personal Services	\$636,679	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	\$636,679	\$0	\$0
TOTAL			

**Maintenance and Operations 0330**

Initiative: Establishes 41 positions to address project development, planning, legal, environmental, safety and human resources needs associated with the department's capital programs. Four of the positions are funded 100% Highway Fund, and the remainder are 50% Federal Expenditures Fund, 45% Highway Fund and 5% Other Special Revenue Funds. This initiative also eliminates 61.01 vacant full-time equivalent crew positions and 7 vacant positions to offset the cost of the new positions and generate additional savings to the Highway Fund. Position detail is on file with the Bureau of the Budget.

HIGHWAY FUND	2022-23	2023-24	2024-25
POSITIONS - FTE COUNT	(61.010)	0.000	0.000
Personal Services	(\$1,342,658)	\$0	\$0
HIGHWAY FUND TOTAL	(\$1,342,658)	\$0	\$0

**Multimodal - Island Ferry Service Z016**

Initiative: Provides funding to support the operation of vehicles and equipment necessary to maintain the transportation system.

ISLAND FERRY SERVICES FUND	2022-23	2023-24	2024-25
All Other	\$500,000	\$0	\$0
ISLAND FERRY SERVICES FUND	\$500,000	\$0	\$0
TOTAL			

**Multimodal - Island Ferry Service Z016**

Initiative: Establishes one Public Service Manager II position to assist with the operations of the Maine State Ferry Service.

ISLAND FERRY SERVICES FUND	2022-23	2023-24	2024-25
POSITIONS - LEGISLATIVE	1.000	0.000	0.000
COUNT			
Personal Services	\$30,675	\$0	\$0
ISLAND FERRY SERVICES FUND	\$30,675	\$0	\$0
TOTAL			

**Multimodal Transportation Fund Z017**

ROS

1 Initiative: Adjusts funding to bring allocations in line with projected available resources  
2 for fiscal year 2022-23.

3	<b>OTHER SPECIAL REVENUE</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>
4	<b>FUNDS</b>			
5	All Other	\$243,564	\$0	\$0
6				
7	OTHER SPECIAL REVENUE FUNDS	<u>\$243,564</u>	<u>\$0</u>	<u>\$0</u>
8	TOTAL			

9				
10	<b>TRANSPORTATION,</b>			
11	<b>DEPARTMENT OF</b>			
12	<b>DEPARTMENT TOTALS</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>
13				
14	<b>HIGHWAY FUND</b>	(\$1,227,615)	\$0	\$0
15	<b>FEDERAL EXPENDITURES</b>	(\$507,831)	\$0	\$0
16	<b>FUND</b>			
17	<b>OTHER SPECIAL REVENUE</b>	\$880,243	\$0	\$0
18	<b>FUNDS</b>			
19	<b>FLEET SERVICES FUND - DOT</b>	\$4,800,000	\$0	\$0
20	<b>ISLAND FERRY SERVICES</b>	\$530,675	\$0	\$0
21	<b>FUND</b>			
22				
23	DEPARTMENT TOTAL - ALL	<u>\$4,475,472</u>	<u>\$0</u>	<u>\$0</u>
24	FUNDS			

**PART B**

26       **Sec. B-1. Carrying provision; Department of Secretary of State,**  
27 **Administration - Motor Vehicles program.** Notwithstanding any provision of law to  
28 the contrary, the State Controller shall carry forward any unexpended balances in the  
29 Personal Services and All Other line categories in the Department of the Secretary of State,  
30 Administration - Motor Vehicles program, after all financial commitments for obligations  
31 and budgetary adjustments have been made, at the end of fiscal year 2022-23 and at the  
32 end of fiscal year 2023-24 to the next fiscal year to the All Other line category in the  
33 Department of the Secretary of State, Administration - Motor Vehicles program, of which  
34 up to \$2,000,000 is to be used for the Bureau of Motor Vehicles modernization project and  
35 up to \$7,000,000 is to be used for the new license plate general issue project.

**PART C**

37       **Sec. C-1. 23 MRSA §4206, sub-§1, ¶O,** as amended by PL 2021, c. 66, §2, is  
38 further amended to read:

39       O. To bring before the joint standing committee of the Legislature having jurisdiction  
40 over transportation matters for review and approval any proposal that would alter the  
41 current land use, ownership or jurisdiction of lands owned by the State within the Port  
42 of Searsport presently under the jurisdiction of the department; and

**COMMITTEE AMENDMENT**

ROS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41

**Sec. C-2. 23 MRSA §4206, sub-§1, ¶P**, as enacted by PL 2021, c. 66, §3, is amended to read:

P. To enter into agreements and cooperate with the United States Department of Transportation or any other appropriate federal agency as provided in 23 United States Code, Sections 325 to 327 and as authorized under the federal Moving Ahead for Progress in the 21st Century Act, the federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and the federal National Environmental Policy Act of 1969. Pursuant to such an agreement, the commissioner may assume certain responsibilities of the Secretary of the United States Department of Transportation and take any other actions as required by any such agreement or by such federal laws.

(1) The commissioner may adopt any rules necessary to implement an agreement pursuant to this paragraph and carry out any duties imposed under such an agreement. Rules adopted pursuant to this subparagraph are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

(2) The commissioner may make expenditures of money in connection with an agreement authorized under this paragraph from any funds of the department that are available to the commissioner.

(3) Notwithstanding Title 14, chapter 741, sovereign immunity from civil suit in federal court is waived consistent with 23 United States Code, Sections 326 and 327 and limited to the compliance, discharge or enforcement of a responsibility assumed by the department under this paragraph. This subparagraph applies only to actions that are authorized under this paragraph and does not create liability that exceeds the liability created under 23 United States Code, Sections 325 to 327; and

**Sec. C-3. 23 MRSA §4206, sub-§1, ¶Q** is enacted to read:

Q. To implement a program to enhance the skills of the department's transportation workers and ferry service workers. The program must provide that employees in these classifications who participate in training and who demonstrate they have achieved competencies prescribed by the commissioner may progress immediately to the next level in these classification series.'

Amend the bill by adding before the summary the following:

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

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

**SUMMARY**

This amendment replaces the bill, which is a concept draft.

Part A makes allocations.

Part B requires the State Controller to carry forward any unexpended balances in the Personal Services and All Other line categories in the Department of the Secretary of State,

ROS.

1 Administration - Motor Vehicles program, after all financial commitments for obligations  
2 and budgetary adjustments have been made, at the end of fiscal year 2022-23 and at the  
3 end of fiscal year 2023-24 to the next fiscal year to the All Other line category in the  
4 Department of the Secretary of State, Administration - Motor Vehicles program, of which  
5 up to \$2,000,000 is to be used for the Bureau of Motor Vehicles modernization project and  
6 up to \$7,000,000 is to be used for the new license plate general issue project.

7 Part C authorizes the Commissioner of Transportation to implement a program to  
8 develop the expertise of transportation workers and ferry service workers. The program  
9 must provide that upon successful completion of the program and demonstration of  
10 prescribed competencies, employees in these classifications may immediately progress to  
11 the next level in the respective classification series.

12 **FISCAL NOTE REQUIRED**

13 **(See attached)**



# 131st MAINE LEGISLATURE

LD 260

LR 2414(02)

**An Act to Make Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2023**

Fiscal Note for Bill as Amended by Committee Amendment *A (H-59)*

Committee: Transportation

Fiscal Note Required: Yes

## Fiscal Note

	FY 2022-23	FY 2023-24	FY 2024-25	Projections FY 2025-26	Projections FY 2026-27
<b>Net Cost (Savings)</b>					
Highway Fund	(\$1,227,615)	\$0	\$0	\$0	\$0
<b>Appropriations/Allocations</b>					
Highway Fund	(\$1,227,615)	\$0	\$0	\$0	\$0
Federal Expenditures Fund	(\$507,831)	\$0	\$0	\$0	\$0
Other Special Revenue Funds	\$880,243	\$0	\$0	\$0	\$0
Fleet Services Fund - DOT	\$4,800,000	\$0	\$0	\$0	\$0
Island Ferry Services Fund	\$530,675	\$0	\$0	\$0	\$0

### Fiscal Detail and Notes

Provides various allocations.