

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1210

H.P. 770

House of Representatives, March 16, 2023

**An Act to Establish a Maine Highway Capital Fund to Provide
Consistent Funding for the Construction and Repair of Maine's
Roads and Bridges**

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DUCHARME of Madison.
Cosponsored by Senator FARRIN of Somerset and
Representatives: CARLOW of Buxton, MILLETT of Waterford, Senator: BENNETT of
Oxford.

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

2 **Sec. 1. 5 MRSA §1536, sub-§1, ¶G**, as enacted by PL 2021, c. 398, Pt. ZZZ, §3,
3 is amended to read:

4 G. Twenty percent to the ~~Highway and Bridge Capital program, Other Special~~
5 ~~Revenue Funds account~~ Capital Fund established in Title 23, section 1504.

6 **Sec. 2. 23 MRSA §1504** is enacted to read:

7 **§1504. Capital Fund**

8 **1. Establishment.** The Capital Fund, referred to in this section as "the fund," is
9 established as a dedicated, nonlapsing account within the Department of Transportation,
10 referred to in this section as "the department." The department shall administer the fund.

11 **2. Revenue.** The following funds must be deposited into the fund:

12 A. Notwithstanding any provision of law to the contrary, all amounts appropriated to
13 the department to fund the construction or repair of highways or bridges that at the end
14 of any fiscal year would otherwise lapse to the General Fund;

15 B. Notwithstanding any provision of law to the contrary, any amount in any dedicated
16 account to fund the construction or repair of highways or bridges that at the end of any
17 fiscal year would otherwise lapse to the General Fund;

18 C. Amounts transferred pursuant to Title 5, section 1536, subsection 1, paragraph G;
19 and

20 D. Any other funds available to the department that the department directs be deposited
21 into the fund.

22 **3. Use of fund.** The fund must be used to fund construction and repairs of highways
23 and bridges and may be expended only on approval of the Legislature by a 2/3 vote of the
24 members of each House.

25 **SUMMARY**

26 This bill establishes the Capital Fund within the Department of Transportation. The
27 fund receives all amounts appropriated to the department to fund the construction or repair
28 of highways or bridges that at the end of any fiscal year would otherwise lapse to the
29 General Fund and any amount in any dedicated account to fund the construction or repair
30 of highways or bridges that at the end of any fiscal year would otherwise lapse to the
31 General Fund, as well as 20% of the unappropriated General Fund surplus at the end of
32 each fiscal year and any other funds available to the department that the department directs
33 be deposited into the fund. The fund must be used to fund construction and repairs of
34 highways and bridges as approved by the Legislature by a 2/3 vote of the members of each
35 House.