

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE

AS PUBLIC LAWS AND CONSTITUTIONAL RESOLUTIONS

at the

**THIRD SPECIAL SESSION**

September 15, 1988 to September 16, 1988

and the

**FOURTH SPECIAL SESSION**

November 28, 1988

AND

AS PRIVATE AND SPECIAL LAWS AND RESOLVES

at the

**FIRST REGULAR SESSION**

December 3, 1986 to June 30, 1987

**FIRST SPECIAL SESSION**

October 9, 1987 to October 10, 1987

**SECOND SPECIAL SESSION**

October 21, 1987 to November 20, 1987

**SECOND REGULAR SESSION**

January 6, 1988 to May 5, 1988

**THIRD SPECIAL SESSION**

September 15, 1988 to September 16, 1988

and the

**FOURTH SPECIAL SESSION**

November 28, 1988

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Twin City Printery  
Lewiston, Maine  
1989

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**PRIVATE AND  
SPECIAL LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION

of the

ONE HUNDRED AND THIRTEENTH LEGISLATURE

1987

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Capital Construction — Repairs — Improvements — Public Safety

Capital Expenditures \$21,519

This allocation provides funds for additional construction costs related to the new State Police Crime Lab, 75% of which is from the Highway Fund share.

**Sec. 2. Encumbered balance at year end.** At the end of the fiscal year, all encumbered balances shall not be carried more than once.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 18, 1987.

**CHAPTER 39**

S.P. 605 — L.D. 1793

**AN ACT Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1988, and June 30, 1989.**

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

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

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

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,

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

**Sec. 1. Appropriations and allocations.** In order to provide for necessary expenditures of State Government and other purposes for the fiscal years ending June 30, 1988, and June 30, 1989, the following sums as designated in the following tabulations are appropriated or allocated out of any money not otherwise appropriated or allocated.

1987-88                      1988-89

ADMINISTRATION, DEPARTMENT OF

Bureau of Public Improvements

State Police Headquarters Building Maintenance

Highway Fund		
Positions — Legislative Count	(5.0)	(5.0)
Personal Services	\$ 47,792	\$ 50,264
All Other	49,090	49,150
Total	\$ 96,882	\$ 99,414

Other Participating Funds

General Fund		
Personal Services	\$ 32,294	\$ 33,138
Total	\$ 32,294	\$ 33,138

Summary: State Police Headquarters Building Maintenance

Positions — Legislative Count	(5.0)	(5.0)
Personal Services	\$ 80,086	\$ 83,402
All Other	49,090	49,150
Total	\$ 129,176	\$ 132,552

Transportation Building Maintenance

Highway Fund		
Positions — Legislative Count	(15.0)	(15.0)
Personal Services	\$ 280,727	\$ 293,112
All Other	177,300	178,800
Total	\$ 458,027	\$ 471,912

SUMMARY: ADMINISTRATION, DEPARTMENT OF

Source

Highway Fund		
Positions — Legislative Count	(20.0)	(20.0)
Personal Services	\$ 328,519	\$ 343,376
All Other	226,390	227,950
Total	\$ 554,909	\$ 571,326

Other Participating Funds

General Fund		
Personal Services	\$ 32,294	\$ 33,138
Total	\$ 32,294	\$ 33,138

SUMMARY: ADMINISTRATION, DEPARTMENT OF

Positions — Legislative Count	(20.0)	(20.0)
Personal Services	\$ 360,813	\$ 376,514
All Other	226,390	227,950
Total	\$ 587,203	\$ 604,464

FINANCE, DEPARTMENT OF

State Claims Board

Claims Board

Highway Fund		
Positions — Legislative Count	(2.0)	(2.0)
Personal Services	\$ 87,100	\$ 89,376
All Other	38,225	39,825
Total	\$ 125,325	\$ 129,201

PUBLIC SAFETY, DEPARTMENT OF

Department of Public Safety

Administration — Public Safety

Highway Fund		
Positions — Legislative Count	(13.5)	(13.5)
Personal Services	\$ 289,712	\$ 298,287
All Other	89,145	92,304
Total	\$ 378,857	\$ 390,591

Other Participating Funds		
General Fund		
Positions — Legislative Count	(6.0)	(6.0)
Personal Services	\$ 232,774	\$ 241,341
All Other	9,429	9,899
Total	\$ 242,203	\$ 251,240
Other Special Revenue		
Positions — Other Count	(2.5)	(2.5)
Personal Services	\$ 56,923	\$ 60,561
All Other	22,784	23,154
Total	\$ 79,707	\$ 83,715

Summary: Administration — Public Safety

Positions — Legislative Count	(19.5)	(19.5)
Positions — Other Count	(2.5)	(2.5)
Personal Services	\$ 579,409	\$ 600,189
All Other	121,358	125,357
Total	\$ 700,767	\$ 725,546

Motor Vehicle Inspection

Highway Fund		
Positions — Legislative Count	(12.0)	(12.0)
Personal Services	\$ 406,365	\$ 421,297
All Other	99,122	66,356
Capital Expenditures	11,348	25,168
Total	\$ 516,835	\$ 512,821

Bureau of Capitol Security

Capitol Security — Bureau of

Other Participating Funds		
General Fund		
Positions — Legislative Count	(12.0)	(12.0)
Personal Services	\$ 251,866	\$ 259,693
All Other	21,939	22,655
Capital Expenditures	9,998	0
Total	\$ 283,803	\$ 282,348

Maine Criminal Justice Academy

Criminal Justice Academy

Other Participating Funds		
General Fund		
Positions — Legislative Count	(14.0)	(14.0)
Personal Services	\$ 374,999	\$ 386,698
All Other	209,256	217,632
Capital Expenditures	2,560	0
Total	\$ 586,815	\$ 604,330

Other Special Revenue		
Positions — Other Count	(1.0)	(1.0)
Personal Services	\$ 24,479	\$ 24,982
All Other	161,431	125,703
Total	\$ 185,910	\$ 150,685

Federal Block Grants		
Positions — Legislative Count	(1.0)	(1.0)
Personal Services	\$ 32,326	\$ 33,012
All Other	146,594	146,488
Total	\$ 178,920	\$ 179,500

Summary: Criminal Justice Academy

Positions — Legislative Count	(15.0)	(15.0)
Positions — Other Count	(1.0)	(1.0)
Personal Services	\$ 431,804	\$ 444,692
All Other	517,281	489,823
Capital Expenditures	2,560	0
Total	\$ 951,645	\$ 934,515

Office of the State Fire Marshal

Fire Marshal — Office of

Other Participating Funds		
Other Special Revenue		
Positions — Other Count	(32.0)	(32.0)
Personal Services	\$ 884,885	\$ 919,366
All Other	163,173	171,104
Capital Expenditures	32,614	41,348
Total	\$ 1,080,672	\$ 1,131,818

Bureau of Liquor Enforcement

Liquor Enforcement

Other Participating Funds		
General Fund		
Positions — Legislative Count	(22.0)	(22.0)
Personal Services	\$ 701,311	\$ 723,939
All Other	71,186	73,710
Capital Expenditures	50,190	54,685
Total	\$ 822,687	\$ 852,334

Bureau of Safety

Safety Program

Highway Fund		
Positions — Legislative Count	(7.5)	(7.5)
Personal Services	\$ 138,391	\$ 142,750
All Other	49,922	52,411
Total	\$ 188,313	\$ 195,161

Other Participating Funds

General Fund		
Positions — Legislative Count	(1.0)	(1.0)
Personal Services	\$ 25,376	\$ 27,121
All Other	310,000	330,000
Total	\$ 335,376	\$ 357,121

Federal Expenditure Fund

Positions — Other Count	(1.0)	(1.0)
Personal Services	\$ 84,817	\$ 87,421
All Other	190,552	195,656
Total	\$ 275,369	\$ 283,077

Other Special Revenue

Positions — Other Count	(1.0)	(1.0)
Personal Services	\$ 15,263	\$ 15,575
All Other	49,020	44,422
Total	\$ 58,283	\$ 59,997

Summary: Safety Program

Positions — Legislative Count	(8.5)	(8.5)
Positions — Other Count	(2.0)	(2.0)
Personal Services	\$ 263,847	\$ 272,867
All Other	593,494	622,489
Total	\$ 857,341	\$ 895,356

Bureau of State Police

Drug Unit — Maine State Police

Other Participating Funds		
General Fund		
Positions — Legislative Count	(2.0)	(2.0)
Personal Services	\$ 71,296	\$ 75,253
All Other	17,400	17,847
Total	\$ 88,696	\$ 93,100

Drug Trafficking Enforcement

Other Participating Funds		
General Fund		
Positions — Legislative Count	(6.0)	(6.0)
Personal Services	\$ 108,773	\$ 115,188
All Other	40,785	42,824

CHAPTER 39

PRIVATE & SPECIAL LAWS, FIRST REGULAR SESSION — 1987

Total	\$ 149,558	\$ 158,012
Federal Block Grants		
Personal Services	\$ 108,773	\$ 115,189
All Other	40,785	42,824
Total	\$ 149,558	\$ 158,013
Summary: Drug Trafficking Enforcement		
Positions — Legislative Count	(6.0)	(6.0)
Personal Services	\$ 217,546	\$ 230,377
All Other	81,570	85,648
Total	\$ 299,116	\$ 316,025
Private Investigator Licensing		
Other Participating Funds		
Other Special Revenue		
Positions — Other Count	(2.0)	(2.0)
Personal Services	\$ 37,956	\$ 39,308
All Other	1,247	1,291
Total	\$ 39,203	\$ 40,599
Licensing and Enforcement — Beano and Games of Chance		
Other Participating Funds		
Other Special Revenue		
Positions — Other Count	(5.0)	(5.0)
Personal Services	\$ 161,752	\$ 167,405
All Other	22,540	23,460
Capital Expenditures	0	10,337
Total	\$ 184,292	\$ 201,202
Marijuana Eradication-Suppression		
Other Participating Funds		
Federal Expenditure Fund		
All Other	\$ 27,227	\$ 28,589
Total	\$ 27,227	\$ 28,589
Motor Carrier Safety		
Federal Expenditure Fund		
Positions — Other Count	(6.0)	(6.0)
Personal Services	\$ 113,832	\$ 120,303
All Other	14,351	15,043
Total	\$ 128,183	\$ 135,346
Other Special Revenue		
Positions — Legislative Count	(25.0)	(25.0)
Personal Services	\$ 636,784	\$ 654,902
All Other	107,448	112,276
Capital Expenditures	98,108	49,886
Total	\$ 842,340	\$ 817,064
Summary: Motor Carrier Safety		
Positions — Legislative Count	(25.0)	(25.0)
Positions — Other Count	(6.0)	(6.0)
Personal Services	\$ 750,616	\$ 775,205
All Other	121,799	127,319
Capital Expenditures	98,108	49,886
Total	\$ 970,523	\$ 952,410
State Police		
Highway Fund		
Personal Services	\$ 8,880,822	\$ 9,475,392
All Other	4,271,773	4,431,739
Capital Expenditures	1,838,062	1,489,216
Total	\$ 14,990,657	\$ 15,396,347
Other Participating Funds		
General Fund		
Positions — Legislative Count	(395.0)	(395.0)
Personal Services	\$ 4,996,885	\$ 5,132,112
Total	\$ 4,996,885	\$ 5,132,112
Federal Expenditure Fund		
Positions — Other Count	(1.0)	(1.0)

Personal Services	\$ 69,407	\$ 71,985
All Other	87,906	87,918
Total	\$ 157,313	\$ 159,903
Other Special Revenue		
Positions — Other Count	(6.0)	(6.0)
Personal Services	\$ 154,783	\$ 160,283
All Other	103,009	103,049
Total	\$ 257,792	\$ 263,332
Summary: State Police		
Positions — Legislative Count	(395.0)	(395.0)
Positions — Other Count	(7.0)	(7.0)
Personal Services	\$ 14,101,897	\$ 14,839,772
All Other	4,462,688	4,622,706
Capital Expenditures	1,838,062	1,489,216
Total	\$ 20,402,647	\$ 20,951,694
Traffic Safety		
Other Participating Funds		
Other Special Revenue		
Positions — Legislative Count	(6.0)	(6.0)
Personal Services	\$ 217,758	\$ 226,109
All Other	37,074	38,724
Capital Expenditures	66,690	43,818
Total	\$ 321,522	\$ 308,651
Turnpike Enforcement		
Other Participating Funds		
Other Special Revenue		
Positions — Other Count	(27.0)	(27.0)
Personal Services	\$ 973,142	\$ 1,020,385
All Other	54,043	56,730
Capital Expenditures	124,828	138,424
Total	\$ 1,152,013	\$ 1,215,539
SUMMARY: PUBLIC SAFETY, DEPARTMENT OF		
Source		
Highway Fund		
Positions — Legislative Count	(33.0)	(33.0)
Personal Services	\$ 9,715,290	\$ 10,337,726
All Other	4,509,962	4,642,810
Capital Expenditures	1,849,410	1,514,384
Total	\$ 16,074,662	\$ 16,494,920
Other Participating Funds		
General Fund		
Positions — Legislative Count	(458.0)	(458.0)
Personal Services	\$ 6,763,280	\$ 6,961,345
All Other	679,995	714,567
Capital Expenditures	62,748	54,685
Total	\$ 7,506,023	\$ 7,730,597
Federal Expenditure Fund		
Positions — Other Count	(8.0)	(8.0)
Personal Services	\$ 268,056	\$ 279,709
All Other	320,036	327,206
Total	\$ 588,092	\$ 606,915
Other Special Revenue		
Positions — Legislative Count	(31.0)	(31.0)
Positions — Other Count	(76.5)	(76.5)
Personal Services	\$ 3,163,725	\$ 3,288,876
All Other	715,769	699,913
Capital Expenditures	322,240	283,813
Total	\$ 4,201,734	\$ 4,272,602
Federal Block Grants		
Positions — Legislative Count	(1.0)	(1.0)
Personal Services	\$ 141,099	\$ 148,201
All Other	187,379	189,312
Total	\$ 328,478	\$ 337,513

SUMMARY: PUBLIC SAFETY,  
DEPARTMENT OF

Positions — Legislative Count	(523.0)	(523.0)
Positions — Other Count	(84.5)	(84.5)
Personal Services	\$ 20,051,450	\$ 21,015,857
All Other	6,413,141	6,573,808
Capital Expenditures	2,234,398	1,852,882
Total	\$ 28,698,989	\$ 29,442,547

SECRETARY OF STATE,  
DEPARTMENT OF

Division of Motor Vehicles

Administration — Motor Vehicles

Highway Fund		
Positions — Legislative Count	(338.0)	(338.0)
Positions — Other Count	(0.5)	(0.5)
Personal Services	\$ 7,494,595	\$ 7,792,780
All Other	3,793,440	3,381,444
Capital Expenditures	351,382	207,670
Total	\$ 11,639,417	\$ 11,381,894

Fuel Use Decal Program

Highway Fund		
Positions — Legislative Count	(8.0)	(8.0)
Personal Services	\$ 137,022	\$ 142,987
All Other	73,555	76,054
Capital Expenditures	0	904
Total	\$ 210,577	\$ 219,945

SUMMARY: SECRETARY OF  
STATE, DEPARTMENT  
OF

Positions — Legislative Count	(346.0)	(346.0)
Positions — Other Count	(0.5)	(0.5)
Personal Services	\$ 7,631,617	\$ 7,935,767
All Other	3,866,995	3,457,498
Capital Expenditures	351,382	208,574
Total	\$ 11,849,994	\$ 11,601,839

TRANSPORTATION, DEPART-  
MENT OF

Bureau of Finance and  
and Administration — Transportation

Administration and Planning

Highway Fund		
Positions — Legislative Count	(192.0)	(192.0)
Positions — Other Count	(2.0)	(2.0)
Personal Services	\$ 4,586,944	\$ 4,598,075
All Other	3,124,181	3,230,863
Capital Expenditures	177,000	172,000
Total	\$ 7,888,125	\$ 8,000,938

Other Participating Funds		
Federal Expenditure Fund		
Personal Services	\$ 1,127,039	\$ 1,128,266
All Other	40,000	40,000
Total	\$ 1,167,039	\$ 1,168,266

Summary: Administration and  
Planning

Positions — Legislative Count	(192.0)	(192.0)
Positions — Other Count	(2.0)	(2.0)
Personal Services	\$ 5,713,983	\$ 5,726,341
All Other	3,164,181	3,270,863
Capital Expenditures	177,000	172,000
Total	\$ 9,055,164	\$ 9,169,204

Suspense Receivable —  
Transportation

Other Participating Funds		
Other Special Revenue		
Personal Services	\$ 512,636	\$ 524,700
All Other	182,566	182,645
Capital Expenditures	14,334	12,355
Total	\$ 709,536	\$ 719,700

Bureau of Maintenance and  
Operations

Bridge Maintenance

Highway Fund		
Positions — Legislative Count	(16.0)	(16.0)
Positions — Other Count	(188.0)	(188.0)
Personal Services	\$ 4,723,450	\$ 4,767,229
All Other	1,978,232	2,006,997
Capital Expenditures	655,000	255,000
Total	\$ 7,356,682	\$ 7,029,226

Collector Road Program

Highway Fund		
Positions — Legislative Count	(33.0)	(33.0)
Positions — Other Count	(31.0)	(31.0)
Personal Services	\$ 1,586,328	\$ 1,635,601
All Other	1,563,672	1,514,399
Capital Expenditures	1,100,000	1,100,000
Total	\$ 4,250,000	\$ 4,250,000

Highway Maintenance —  
Summer

Highway Fund		
Positions — Legislative Count	(97.0)	(97.0)
Positions — Other Count	(960.5)	(960.5)
Personal Services	\$ 27,138,486	\$ 27,571,661
All Other	25,242,300	25,617,700
Capital Expenditures	6,700,000	6,700,000
Total	\$ 59,080,786	\$ 59,889,361

Island Town Refunds — Highway

Highway Fund		
All Other	\$ 24,000	\$ 24,000
Total	\$ 24,000	\$ 24,000

Local Road Assistance

Highway Fund		
All Other	\$ 15,806,932	\$ 15,806,932
Total	\$ 15,806,932	\$ 15,806,932

Motor Transport Service

Other Participating Funds		
Highway Garage Fund		
Positions — Other Count	(80.0)	(80.0)
Personal Services	\$ 2,848,164	\$ 2,929,962
All Other	16,236,437	16,969,400
Total	\$ 19,084,601	\$ 19,899,362

Radio Operations — Highway

Highway Fund		
Positions — Legislative Count	(6.0)	(6.0)
Personal Services	\$ 155,862	\$ 154,571
All Other	88,590	91,225
Capital Expenditures	51,000	75,200
Total	\$ 295,452	\$ 320,996

State Aid Highway Construction —  
General

Other Participating Funds					
Other Special Revenue					
All Other	\$	220,000	\$	210,000	
Total	\$	220,000	\$	210,000	
Local Bridges					
Highway Fund					
Personal Services	\$	261,000	\$	261,000	
All Other		153,000		153,000	
Capital Expenditures		486,000		486,000	
Total	\$	900,000	\$	900,000	
Other Participating Funds					
Federal Expenditure Fund					
Personal Services	\$	222,044	\$	225,300	
All Other		239,250		239,250	
Capital Expenditures		1,001,577		1,001,577	
Total	\$	1,462,871	\$	1,466,127	
Other Special Revenue					
Personal Services	\$	235,000	\$	235,000	
All Other		136,000		136,000	
Capital Expenditures		575,500		575,500	
Total	\$	946,500	\$	946,500	
Summary: Local Bridges					
Personal Services	\$	718,044	\$	721,300	
All Other		528,250		528,250	
Capital Expenditures		2,063,077		2,063,077	
Total	\$	3,309,371	\$	3,312,627	
Traffic Service					
Highway Fund					
Positions — Legislative Count		(18.0)		(18.0)	
Positions — Other Count		(31.0)		(31.0)	
Personal Services	\$	1,849,737	\$	1,877,900	
All Other		2,368,000		2,403,000	
Capital Expenditures		393,500		143,500	
Total	\$	4,611,237	\$	4,424,400	
Bureau of Project Development					
Bond Interest — Highway					
Highway Fund					
All Other	\$	7,250,800	\$	7,130,830	
Total	\$	7,250,800	\$	7,130,830	
Bond Retirement — Highway					
Highway Fund					
All Other	\$	9,195,000	\$	9,720,000	
Total	\$	9,195,000	\$	9,720,000	
Highway and Bridge Improvement					
Highway Fund					
Positions — Legislative Count		(611.0)		(611.0)	
Positions — Other Count		(72.0)		(72.0)	
Personal Services	\$	7,793,730	\$	7,770,831	
All Other		2,163,285		2,163,285	
Capital Expenditures		2,319,435		2,319,434	
Total	\$	12,276,450	\$	12,253,550	
Other Participating Funds					
Federal Expenditure Fund					
Personal Services	\$	11,690,598	\$	11,656,245	
All Other		3,000,000		3,000,000	
Capital Expenditures		44,750,402		44,783,755	
Total	\$	59,441,000	\$	59,440,000	
Other Special Revenue					
Capital Expenditures	\$	2,382,262	\$	2,382,263	
Total	\$	2,382,262	\$	2,382,263	
Summary: Highway and Bridge Improvement					
Positions — Legislative Count		(611.0)		(611.0)	
Positions — Other Count		(72.0)		(72.0)	
Personal Services	\$	19,484,328	\$	19,427,076	
All Other		5,163,285		5,163,285	
Capital Expenditures		49,452,099		49,485,452	
Total	\$	74,099,712	\$	74,075,813	
Bureau of Transportation Services					
Administration — Aeronautics					
Other Participating Funds					
General Fund					
Positions — Legislative Count		(5.0)		(5.0)	
Personal Services	\$	169,030	\$	173,786	
All Other		288,765		289,309	
Capital Expenditures		9,438		0	
Total	\$	467,233	\$	463,095	
Federal Expenditure Fund					
All Other	\$	31,400	\$	34,170	
Capital Expenditures		45,000		53,000	
Total	\$	76,400	\$	87,170	
Other Special Revenue					
All Other	\$	2,000	\$	2,000	
Total	\$	2,000	\$	2,000	
Summary: Administration — Aeronautics					
Positions — Legislative Count		(5.0)		(5.0)	
Personal Services	\$	169,030	\$	173,786	
All Other		322,165		325,479	
Capital Expenditures		54,438		53,000	
Total	\$	545,633	\$	552,265	
Administration — Ports and Marine Transportation					
Other Participating Funds					
General Fund					
All Other	\$	1,655,895	\$	1,708,785	
Total	\$	1,655,895	\$	1,708,785	
Augusta State Airport					
Other Participating Funds					
Augusta State Airport					
Positions — Other Count		(5.5)		(5.5)	
Personal Services	\$	133,955	\$	133,920	
All Other		73,007		75,005	
Total	\$	206,962	\$	208,925	
Island Ferry Service					
Other Participating Funds					
Island Ferry Service Fund					
Positions — Other Count		(62.0)		(62.0)	
Personal Services	\$	1,483,251	\$	1,453,424	
All Other		1,080,490		1,235,548	
Total	\$	2,563,741	\$	2,688,972	
Ports and Marine Transportation					
Other Participating Funds					
Marine Ports Fund					
Positions — Other Count		(3.0)		(3.0)	
Personal Services	\$	91,173	\$	92,142	
All Other		57,711		85,772	
Total	\$	148,884	\$	177,914	



Railroad Assistance Program		
Other Participating Funds		
General Fund		
All Other	\$ 100,000	\$ 100,000
Total	\$ 100,000	\$ 100,000
State Plane		
Other Participating Funds		
General Fund		
Positions — Legislative Count	(1.5)	(1.5)
Personal Services	\$ 63,139	\$ 63,181
All Other	134,445	137,533
Total	\$ 197,584	\$ 200,714
Transportation Services		
Other Participating Funds		
General Fund		
All Other	\$ 400,000	\$ 400,000
Total	\$ 400,000	\$ 400,000
Federal Expenditure Fund		
Personal Services	\$ 150,418	\$ 147,225
All Other	2,327,657	2,282,710
Capital Expenditures	1,236,750	1,236,750
Total	\$ 3,714,825	\$ 3,666,685
Other Special Revenue		
Capital Expenditures	\$ 425,000	\$ 425,000
Total	\$ 425,000	\$ 425,000
Summary: Transportation Services		
Personal Services	\$ 150,418	\$ 147,225
All Other	2,727,657	2,682,710
Capital Expenditures	1,661,750	1,661,750
Total	\$ 4,539,825	\$ 4,491,685
Van Pool Services		
Other Participating Funds		
Other Special Revenue		
All Other	\$ 73,059	\$ 75,329
Capital Expenditures	19,440	17,170
Total	\$ 92,499	\$ 92,499
SUMMARY: TRANSPORTATION, DEPARTMENT OF		
Source		
Highway Fund		
Positions — Legislative Count	(973.0)	(973.0)
Positions — Other Count	(1,284.5)	(1,284.5)
Personal Services	\$ 48,095,537	\$ 48,636,868
All Other	68,957,992	69,862,231
Capital Expenditures	11,881,935	11,251,134
Total	\$128,935,464	\$129,750,233
Other Participating Funds		
General Fund		
Positions — Legislative Count	(6.5)	(6.5)
Personal Services	\$ 232,169	\$ 236,967
All Other	2,579,105	2,635,627
Capital Expenditures	9,438	0
Total	\$ 2,820,712	\$ 2,872,594
Federal Expenditure Fund		
Personal Services	\$ 13,190,099	\$ 13,157,036
All Other	5,638,307	5,596,130
Capital Expenditures	47,033,729	47,075,082
Total	\$ 65,862,135	\$ 65,828,248
Other Special Revenue		
Personal Services	\$ 747,636	\$ 759,700
All Other	613,625	605,974

Capital Expenditures	3,416,536	3,412,288
Total	\$ 4,777,797	\$ 4,777,962
Island Ferry Service Fund		
Positions — Other Count	(52.0)	(52.0)
Personal Services	\$ 1,483,251	\$ 1,453,424
All Other	1,080,490	1,235,548
Total	\$ 2,563,741	\$ 2,688,972
Augusta State Airport		
Positions — Other Count	(5.5)	(5.5)
Personal Services	\$ 133,955	\$ 133,920
All Other	73,007	75,005
Total	\$ 206,962	\$ 208,925
Marine Ports Fund		
Positions — Other Count	(3.0)	(3.0)
Personal Services	\$ 91,173	\$ 92,142
All Other	57,711	85,772
Total	\$ 148,884	\$ 177,914
Highway Garage Fund		
Positions — Other Count	(80.0)	(80.0)
Personal Services	\$ 2,848,164	\$ 2,929,962
All Other	16,236,437	16,969,400
Total	\$ 19,084,601	\$ 19,899,362
SUMMARY: TRANSPORTATION, DEPARTMENT OF		
Positions — Legislative Count	(979.5)	(979.5)
Positions — Other Count	(1,425.0)	(1,425.0)
Personal Services	\$ 66,821,984	\$ 67,400,019
All Other	95,236,674	97,065,687
Capital Expenditures	62,341,638	61,738,504
Total	\$224,400,296	\$226,204,210
SUMMARY: CURRENT SERVICES		
Source		
Highway Fund		
Positions — Legislative Count	(1,374.0)	(1,374.0)
Positions — Other Count	(1,285.0)	(1,285.0)
Personal Services	\$ 65,858,063	\$ 67,343,113
All Other	77,599,564	78,230,314
Capital Expenditures	14,082,727	12,974,092
Total	\$157,540,354	\$158,547,519
Other Participating Funds		
General Fund		
Positions — Legislative Count	(464.5)	(464.5)
Personal Services	\$ 7,027,743	\$ 7,231,450
All Other	3,259,100	3,350,194
Capital Expenditures	72,186	54,685
Total	\$ 10,359,029	\$ 10,636,329
Federal Expenditure Fund		
Positions — Other Count	(8.0)	(8.0)
Personal Services	\$ 13,458,155	\$ 13,436,745
All Other	5,958,343	5,923,336
Capital Expenditures	47,033,729	47,075,082
Total	\$ 66,450,227	\$ 66,435,163
Other Special Revenue		
Positions — Legislative Count	(31.0)	(31.0)
Positions — Other Count	(76.5)	(76.5)
Personal Services	\$ 3,911,361	\$ 4,048,576
All Other	1,329,394	1,305,887
Capital Expenditures	3,738,776	3,696,101
Total	\$ 8,979,531	\$ 9,050,564
Federal Block Grants		
Positions — Legislative Count	(1.0)	(1.0)
Personal Services	\$ 141,099	\$ 148,201
All Other	187,379	189,312
Total	\$ 328,478	\$ 337,513

Island Ferry Service Fund		
Positions — Other Count	(52.0)	(52.0)
Personal Services	\$ 1,488,261	\$ 1,459,424
All Other	1,080,490	1,235,548
Total	\$ 2,568,741	\$ 2,694,972

Augusta State Airport		
Positions — Other Count	(5.5)	(5.5)
Personal Services	\$ 139,955	\$ 139,920
All Other	73,007	75,005
Total	\$ 206,962	\$ 208,925

Marine Ports Fund		
Positions — Other Count	(3.0)	(3.0)
Personal Services	\$ 91,173	\$ 92,142
All Other	57,711	85,772
Total	\$ 148,884	\$ 177,914

Highway Garage Fund		
Positions — Other Count	(80.0)	(80.0)
Personal Services	\$ 2,848,164	\$ 2,929,962
All Other	16,236,437	16,969,400
Total	\$ 19,084,601	\$ 19,899,362

SUMMARY: CURRENT SERVICES

Positions — Legislative Count	(1,870.5)	(1,870.5)
Positions — Other Count	(1,510.0)	(1,510.0)
Personal Services	\$ 94,952,964	\$ 96,817,533
All Other	105,781,425	107,364,768
Capital Expenditures	64,927,418	63,799,960
Total	\$265,661,807	\$267,982,261

**Sec. 2. Allotments required.** Upon receipt of allotments duly approved by the Governor based upon work programs submitted to the State Budget Officer, the State Controller shall authorize expenditures of these funds, together with expenditures for other purposes necessary to the conduct of State Government on the basis of these allotments and not otherwise. Allotments for Personal Services, Capital Expenditures and amounts for All Other departmental expenses shall not exceed the amounts shown in the budget document or as they may be revised by the joint standing committee of the Legislature having jurisdiction over these appropriations and allocations, unless recommended by the State Budget Officer and approved by the Governor in accordance with established law.

**Sec. 3. Personal services funding.** The amounts provided for Personal Services in the General Fund, Highway Fund and Department of Inland Fisheries and Wildlife funds are subject to the provision that the total number of permanent positions and the costs thereof in any account shall not, during either year of the biennium, either exceed the authorized position numbers shown in parentheses which are used by the Legislature in computing the total dollars to be made available for Personal Services or deviate from the specific cost components upon which appropriations and allocations are based, except as provided for in section 6. The State Budget Officer may require any department or agency to submit such information as may be deemed necessary to assure compliance with this provision. In other funds, the numbers in parentheses are estimates of full-time equivalents.

Savings accrued within appropriations or allocations

made for Personal Services may be used for payment of nonrecurring Personal Services costs, such as those relating to unbudgeted overtime; acting capacity appointment; retroactive compensation for reclassifications or reallocations; retroactive or one-time settlements related to arbitrator or court decisions; and required additional retirement contributions, when recommended by the department or agency head and approved by the State Budget Officer.

The amounts appropriated or allocated for Personal Services include funds for the State's share of state employees' retirement. The State Controller shall transfer the State's share to the Maine State Retirement System as soon as practicable after each payroll is paid.

**Sec. 4. Workers' compensation positions.** Limited period positions may be established for former regular employees of the State who are presently receiving workers' compensation payments from the State when that action will enable those employees to return to productive employment with the State. These positions may be established, providing funds are available, only until such time as those employees can be returned to regular positions.

Notwithstanding any other restriction on funds appropriated or allocated, the State Budget Officer may, if he determines that funds are available, either approve the use of these funds or recommend appropriate action to the Governor when his approval is required.

Available funds may include amounts appropriated or allocated for Personal Services, including funds in any salary account or special account for state employee salary increases, All Other, Capital Expenditures and unallocated.

**Sec. 5. Personal Services policy and review.** The Bureau of the Budget, during this biennium, shall continually review with all departments the status of their manpower levels and staffing patterns for the purpose of determining whether funds and positions are being utilized and managed in the most economical and efficient manner to accomplish the intent of the Legislature. Permanent positions for which funds are appropriated or allocated shall be classified positions, unless specifically designated otherwise by the Legislature. It shall be the responsibility of the Director of Human Resources and the State Budget Officer to ensure that classified and unclassified positions are assigned to a proper pay grade within authorized funds.

**Sec. 6. Personal Services flexibility.** Any classification or reclassification of a position and any allocation or reallocation of a position within the compensation plan made by the Director of Human Resources pursuant to the Civil Service Law and rules shall become effective on the first day of the fiscal year following approval by the State Budget Officer, and the appropriation or allocation of funds therefor, except that the State Budget Officer may, if he determines that sufficient funds exist,

authorize an effective date prior to the first day of the ensuing fiscal year. Copies of all actions and certifications shall be furnished to the Director of the Legislative Office of Fiscal and Program Review.

**Sec. 7. Merit rating required.** It is declared to be the policy of the State that, in those instances where annual merit increases are earned and warranted as evidence by the performance appraisals, they shall be awarded. In those instances where increases are not earned and warranted, they shall be denied.

In furtherance of this policy, the Director of Human Resources, utilizing a form or forms prescribed by the director, is directed to require annual merit ratings on all employees, regardless of whether or not the employee is eligible or recommended for a merit increase. The form or forms prescribed by the director, in addition to a performance appraisal section, shall include a section wherein each probationary employee's supervisor shall indicate the extent to which the employee has been oriented to the duties and responsibilities of his position. In every instance where an employee is not awarded a merit increase, a record of the reasons therefor and the actions recommended by the employee's supervisor to correct deficiencies, if any, shall be recorded in the performance appraisal.

The Director of Human Resources is also directed to develop and install a training program for supervisory personnel, including appropriate guides and manuals, which shall ensure that all evaluators charged with the responsibility of doing employee merit ratings shall do so fairly and equitably, one employee to the next and one organizational unit to another.

The Director of Human Resources shall supply to the Policy Review Board all data necessary to monitor and evaluate the performance appraisal system, including data regarding the percentage and distribution of merit increases. The board, pursuant to its powers under the Maine Revised Statutes, Title 5, section 7042, shall review the operation of the performance evaluation system and make such recommendations and render such advice to the Director of Human Resources as may be necessary to carry out the purposes of this Act.

The Director of Human Resources shall forward to the joint standing committee of the Legislature having jurisdiction over State Government the findings and recommendations of the Policy Review Board, annually, prior to the start of the legislative session.

**Sec. 8. Number of necessary employees.** The Governor and the State Budget Officer when next preparing budget proposals for the Legislature may at their discretion adjust the figures in parentheses, representing numbers of positions, to reflect the number of positions which, in their opinion, are necessary to the proper operation of each department, institution or agency.

**Sec. 9. New or expanded programs.** No department may establish new programs or expand existing programs beyond the scope of those programs already established, recognized and approved by the Legislature, until the program and the method of financing are submitted to the Bureau of the Budget for evaluation and recommendation to the Legislature and until the funds are made available therefor by the Legislature.

**Sec. 10. Federally-funded programs.** It is the intent of the Legislature that, in the event federal funds are not available as anticipated for programs in this Act, there is no obligation to provide state funds in excess of those listed in this Act. Positions entirely or partially funded by federal or other than state sources of funds shall be considered as limited period positions.

**Sec. 11. Travel limitations.** It is the intent of the Legislature that out-of-state travel be limited. Any state employee who travels out of state on state business, such as law enforcement, collecting, bidding, industrial development or loans, may continue to do so. The Legislature directs that department heads hold down cost of all travel where it is not absolutely needed. A state employee shall not be reimbursed for noon meals, unless the expense is incurred while traveling on state business and lodging is required. Any state employee who attends a seminar or other program which includes the cost of a noon meal as part of the tuition or registration fee will not be required to reimburse the State for such meal.

**Sec. 12. Equipment to be reviewed.** The Commissioner of Finance may choose a designee to conduct a thorough review of all types of equipment owned, leased or otherwise available to the departments and agencies of the State, regardless of the source of supporting funds, and make recommendations via the budgetary process for combining their use, providing centralized facilities or eliminating existing equipment and facilities, as believed to be in the most economical, most efficient and best interests of the State. The Commissioner of Finance may also develop and institute such review and control mechanisms as are deemed necessary to ensure that capital equipment purchases authorized by the Legislature are consistent with the intent for which funds were recommended and made available.

**Sec. 13. Motor vehicle replacement policy.** The State Purchasing Agent is directed to require that the qualifications for replacement motor vehicles include the age and total mileage of the motor vehicle being replaced. For the purposes of this section, motor vehicles are defined as passenger cars and panel and pickup trucks, excluding those vehicles authorized and assigned for pursuit purposes. Under no circumstances are any state vehicles to be used primarily for commuting purposes. It is the intent of the Legislature that motor vehicles shall have been in service for at least 5 years or 75,000 miles before they are replaced. This policy shall also be adopted by the State Budget Officer when next preparing a budget document. Exceptions to the estab-

lished replacement policy shall require the prior approval of the Commissioner of Finance. The Commissioner of Finance may also set appropriate standards with regard to motor vehicle type, size and equipment and direct that all motor vehicles be purchased in accordance with a commodity calendar established by the State Purchasing Agent.

**Sec. 14. Significant action recommended by the State Budget Officer.** The Bureau of the Budget shall inform the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs, through the Legislative Office of Fiscal and Program Review, of significant action recommended by the bureau in the performance of the budget responsibilities assigned.

**Sec. 15. State Cost Allocation Program.** The State Cost Allocation Program shall annually identify the kind and cost of central services furnished to each state agency from General Fund appropriations. The non-General Fund portion of each agency shall be assessed for these services as determined by the State Cost Allocation Program procedures to the extent such payments are not expressly prohibited by state or federal law or by the terms of a gift or donation made to the State from private sources. These payments shall be credited to the General Fund as undedicated revenue. The State Budget Officer may adjust this assessment to any individual account.

Non-General Fund resources which contribute towards funding costs related to general department-wide functions, such as accounting, personnel administration, maintenance of property records and general purchasing, that have been made available to an account by legislative action may be consolidated into one or more administrative accounts, unless such a consolidation is expressly prohibited by state or federal law. All resources and costs affected by such consolidation shall be properly identified and included in the budget process in accordance with the Maine Revised Statutes, Title 5, chapter 149. When the Legislature is not in session, upon recommendation of the State Budget Officer, the Governor may approve necessary adjustments to these consolidations for a period not to extend beyond the end of the fiscal year. The Director of the Legislative Office of Fiscal and Program Review shall be notified of any such action. The unencumbered balance of each administrative account established pursuant to this section shall be carried forward at the end of each fiscal year and the budgeted transfers to the administrative account for the ensuing year shall be proportionally reduced by the amount of that carried balance.

**Sec. 16. Unified state budget.** The Governor, when submitting the budget to the Legislature, shall submit the budget document and the General Fund, Highway Fund and funds of the Department of Inland Fisheries and Wildlife bills in a manner that will identify the gross amount of resources for each program. The gross unified budget bills and budget document shall encompass

resources from all funds, including, but not limited to, General Fund, Highway Fund, Federal Fund, Federal Block Grant Fund and Other Special Revenue funds. Separate gross unified budget bills shall be submitted for the General Fund, the Highway Fund and the Department of Inland Fisheries and Wildlife funds.

**Sec. 17. Line category amounts of General Fund, Highway Fund and the Department of Inland Fisheries and Wildlife funds.** The amounts included in the unified state budget by line category are the amounts included immediately under the "appropriations and allocations" section of the individual pages in the budget document for the General Fund, the Highway Fund and the Department of Inland Fisheries and Wildlife funds. These amounts, as adjusted by the Legislature, will be used when preparing work programs by fund for each fiscal year of the biennium.

**Sec. 18. Multiple accounts certification.** If any amounts identified to a fund in the source of funds section are to be distributed to more than one account within that fund, the department or agency head responsible for those funds shall certify to the State Budget Officer the amounts included in each account by line category and, additionally, shall certify that the sum of the accounts by fund, by line category, equals the approved totals of the program within the Act.

**Sec. 19. Year-end closing.** The State Controller may close the books as soon as practicable after the close of the fiscal years ending June 30, 1988, and June 30, 1989. Any bills presented after those dates may be paid from appropriations or allocations for the ensuing year on recommendation of the State Controller if within the amounts of approved allotments.

**Sec. 20. Appropriation and allocation balances at year end.** At the end of each fiscal year, all unencumbered appropriation and allocation balances shall lapse into the fund or the account balance and shall not be available unless authorized by law. At the end of each fiscal year, all encumbered balances shall not be carried more than once.

**Sec. 21. Reorganization of departments.** No department or agency may be allowed to reorganize between accounts in the Part I current services budget. Any such reorganization shall be submitted in the Part II new or expanded services budget or separate legislation.

**Sec. 22. Appropriation or allocation of funds.** Any funds appearing in this Act which are specifically appropriated or allocated in another Act are included in this Act for informational purposes only, as are general ledger accounts. Governmental funds not specifically appropriated or allocated in another Act are appropriated or allocated in accordance with section 1.

**Sec. 23. Other appropriation and allocation measures.** It is intended that the language in this Act, ex-

cept for section 22, shall apply to all other appropriation and allocation measures enacted by the Legislature.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect July 1, 1987.

Effective July 1, 1987.

**CHAPTER 40**

S.P. 627 — L.D. 1848

**AN ACT to Make Supplemental Allocations to the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1988, and June 30, 1989.**

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

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

Whereas, certain obligations and expenses incident to the operation of the department will become due and payable on or immediately after July 1, 1987; and

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,

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

**Sec. 1. Supplemental allocation of the Department of Inland Fisheries and Wildlife funds.** Income to the Department of Inland Fisheries and Wildlife for the fiscal years from July 1, 1987, to June 30, 1988, and from July 1, 1988, to June 30, 1989, shall be segregated, apportioned and disbursed as designated in the following schedule:

	<u>1987-88</u>	<u>1988-89</u>
<b>INLAND FISHERIES AND WILD-LIFE, DEPARTMENT OF</b>		
Atlantic Sea Run Salmon Commission		
Positions	(1)	(1)
Personal Services	\$ 4,000	\$ 5,000
Provides funds to extend present 36-week Conservation Aide position to full-time position. Existing seasonal position will be deleted.		
Administrative Services		

Personal Services	9,691	8,114
Provides funds for reclassifying 3 employees, adding a Carpenter position and an Account Clerk and deleting a Clerk IV and Clerk Typist II.		
Licensing and Registration		
Positions	(3)	(3)
Personal Services	61,892	61,892
Provides funding for one seasonal position to work on lotteries and a Clerk IV, Clerk Typist II and Clerk II.		
Office of the Commissioner		
Positions	(3)	(3)
Personal Services	65,122	68,072
Provides funding to establish a resources education position, a Federal Aid Coordinator and a Public Relations Specialist/Warden Planner. Portions of their salaries are reimbursed by federal money.		
All Other	17,710	14,475
Capital Expenditures	22,088	930
Provides funding to purchase vehicles and publishing related equipment.		
Resource Management Services		
Positions	(-1)	(-1)
Personal Services	(23,163)	(29,479)
Reflects the elimination of a Fish and Game Technician, 2 seasonal Conservation Aides, 4 seasonal Fish and Game Technicians, 2 seasonal Laborers and Account Clerk I, 2 Clerk II's and a Clerk Typist.III. In turn, positions were added for 2 intermittent Data Entry Operators, a Game — Keeper, seasonal Conservation Aide, Fish and Game Technician, 3 Biology Aides and a Biologist II. A Conservation Aide position also was extended for an additional 5 weeks.		
All Other	3,000	3,000
Capital Expenditures	26,797	
Provides funds to purchase a vehicle and build a bathroom at the visitors' center.		
Fisheries and Hatcheries		
Positions	(5)	(5)
Personal Services	68,093	70,291
Provides funds for a Biologist I, 2 Fishery Technicians and a Lab Technician. This sum also reflects 2 reclassifications.		