

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

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

J.S. McCarthy Company
Augusta, Maine
2002

CHAPTER 565

H.P. 1587 - L.D. 2092

An Act to Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and to Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003

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 prior to June 30, 2002; 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:

PART A

Sec. A-1. Allocations. There are allocated from various funds for the fiscal years ending June 30, 2002 and June 30, 2003, to the departments listed, the following sums.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF 18

Budget - Bureau of the 0055

Initiative: This request provides for the establishment of a Budget Analyst position for the Bureau of the Budget. This position will be assigned to Highway Fund budget analysis. The request receives the transfer of position count and funds from the State Claims Board account.

Highway Fund	2001-02	2002-03
Positions - Legislative Count	(1,000)	(1,000)
Personal Services	\$15,211	\$56,499

Claims Board 0097

Initiative: This request provides for the abolishment of the Director of the State Claims Board position, the upgrade of the Clerk Typist III position and the transfer of the position count to

the Bureau of the Budget to establish a Budget Analyst position to manage and analyze Highway Fund budget issues.

Highway Fund	2001-02	2002-03
Positions - Legislative Count	(-1,000)	(-1,000)
Personal Services	(20,211)	(66,680)

ADMINISTRATIVE AND FINANCIAL SERVICES,

DEPARTMENT OF 18

DEPARTMENT TOTALS

	2001-02	2002-03
HIGHWAY FUND	(5,000)	(10,181)
DEPARTMENT TOTAL -	_____	_____
ALL FUNDS	(5,000)	(10,181)

PUBLIC SAFETY, DEPARTMENT OF 16

State Police 0291

Initiative: Provides for the deallocation of funds authorized for the purchase of mobile data terminals through transfer to the Motor Vehicle Inspection program to cover the additional costs of printing inspection stickers.

Highway Fund	2001-02	2002-03
All Other	(28,000)	(80,000)

State Police 0291

Initiative: To correct an error in headcount in Public Law 2001, chapter 439, Part 000 in which headcount was added to both the General Fund and the Highway Fund.

Highway Fund	2001-02	2002-03
Positions - Legislative Count	(-1,000)	(-2,000)

Motor Vehicle Inspection 0329

Initiative: Provides for the transfer of funds to the Motor Vehicle Inspection program through the deallocation of funds authorized for the purchase of mobile data terminals to cover the additional costs of printing inspection stickers.

Highway Fund	2001-02	2002-03
All Other	28,000	80,000

PUBLIC SAFETY, DEPARTMENT OF 16

DEPARTMENT TOTALS

	2001-02	2002-03
HIGHWAY FUND	0	0
DEPARTMENT TOTAL -	_____	_____
ALL FUNDS	0	0

SECRETARY OF STATE, DEPARTMENT OF THE 29

Administration - Motor Vehicles 0077

Initiative: Allocates additional funds to meet statewide cost allocation plan obligations resulting from both the anticipated expenditures to be incurred in conjunction with the Bureau of Motor Vehicles' Computer Migration Project and the budget shortfall created by the fiscal year 2001-02 statewide cost allocation plan rate adjustment.

Highway Fund	2001-02	2002-03
All Other	527,224	316,943

Administration - Motor Vehicles 0077

Initiative: Allocates additional funds to meet increased Workers' Compensation costs attributed to the fiscal year 2001-02 rate increase.

Highway Fund	2001-02	2002-03
Personal Services	60,264	46,489

SECRETARY OF STATE, DEPARTMENT OF THE 29

DEPARTMENT TOTALS	2001-02	2002-03
HIGHWAY FUND	587,488	363,432

DEPARTMENT TOTAL - ALL FUNDS	587,488	363,432
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TRANSPORTATION, DEPARTMENT OF 17

Bond Interest - Highway 0358

Initiative: Provides for the deallocation of funds no longer needed to provide Highway Fund debt service costs for bond interest payments.

Highway Fund	2001-02	2002-03
All Other	(1,110,000)	(310,000)

Bond Retirement - Highway 0359

Initiative: Provides for the allocation of funds necessary to provide Highway Fund debt service costs for principal bond payments.

Highway Fund	2001-02	2002-03
All Other	2,400	2,400

Highway and Bridge Improvement 0406

Initiative: Provides for the allocation of the Highway Fund share of the Personal Services funding necessary to create 4 Right-of-way Appraiser II positions, 4 Senior Technician positions and 2 Project Manager I positions effective April 1, 2002.

Highway Fund	2001-02	2002-03
Positions - Legislative Count	(10,000)	(10,000)
Personal Services	51,128	204,513

Total	51,128	204,513
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Federal Expenditures Fund	2001-02	2002-03
Personal Services	76,693	306,770

Total	76,693	306,770
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Urban-Rural Initiative Program 0337

Initiative: Provides for the allocation of All Other funding in order to increase the municipal share of the Urban-Rural Initiative Program.

Highway Fund	2001-02	2002-03
All Other	0	195,888

Island Ferry Service 0326

Initiative: Provides for the allocation of Personal Services funding in order to provide for the additional costs of the collective bargaining agreement.

Island Ferry Services Fund	2001-02	2002-03
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Personal Services	83,434	169,745
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Highway Maintenance 0330

Initiative: Provides for the allocation of Capital Expenditures funding necessary to provide upgrades and improvements to the radio console located at the Department of Transportation headquarters.

Highway Fund	2001-02	2002-03
Capital Expenditures	50,000	0

Highway Maintenance 0330

Initiative: Provides for the allocation of Capital Expenditures funding necessary to purchase 4 heavy-duty trucks and one grader. This additional equipment is necessary in order to maintain additional travel lanes that have been built on Route 9, Route 11, the Topsham Bypass and various roads in the coastal Rockland area.

Highway Fund	2001-02	2002-03
Capital Expenditures	635,000	0

Highway Maintenance 0330

Initiative: Provides for the allocation of Capital Expenditures funding necessary to retrofit the remainder of the Department of Transportation's winter maintenance equipment in order to support salt priority.

Highway Fund	2001-02	2002-03
Capital Expenditures	208,972	1,491,028

Motor Transport Service 0347

Initiative: Provides for the allocation of Personal Services funding in order to provide for the additional costs of the collective bargaining agreement.

Highway Garage Fund	2001-02	2002-03
Personal Services	264,595	538,313

Motor Transport Service 0347

Initiative: Provides funding for the approved reclassification of one Tire Technician position to a Heavy Vehicle and Equipment Supervisor position.

Highway Garage Fund	2001-02	2002-03
Personal Services	2,052	10,846
All Other	(2,052)	(10,846)

Total	0	0
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Bridge Maintenance 0333

Initiative: Provides for the allocation of All Other funding for necessary contractual services to address the security of the Casco Bay Bridge.

Highway Fund	2001-02	2002-03
All Other	100,000	200,000

Traffic Service 0331

Initiative: Provides for the allocation of All Other funding necessary for contractual services for statewide maintenance of electrical services. These services are lights, light towers, fixtures, beacons, signals and dynamic signs.

Highway Fund	2001-02	2002-03
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All Other	62,500	250,000
Traffic Service 0331		
Initiative: Provides for the allocation of Personal Services funds and the deallocation of All Other funds to provide funding for approved reclassifications of 2 Highway Laborer positions to Transportation Aide positions.		
Highway Fund	2001-02	2002-03
Personal Services	1,774	2,037
All Other	(1,774)	(2,037)
Total	<u>0</u>	<u>0</u>

TRANSPORTATION, DEPARTMENT OF 17

DEPARTMENT TOTALS	2001-02	2002-03
HIGHWAY FUND	0	2,033,829
FEDERAL EXPENDITURES FUND	76,693	306,770
HIGHWAY GARAGE FUND	264,595	538,313
ISLAND FERRY SERVICES FUND	83,434	169,745
DEPARTMENT TOTAL - ALL FUNDS	424,722	3,048,657
SECTION TOTALS	2001-02	2002-03
HIGHWAY FUND	582,488	2,387,080
FEDERAL EXPENDITURES FUND	76,693	306,770
HIGHWAY GARAGE FUND	264,595	538,313
ISLAND FERRY SERVICES FUND	83,434	169,745
SECTION TOTAL - ALL FUNDS	\$1,007,210	\$3,401,908

PART B

Sec. B-1. Allocations; Highway Fund.

The following funds are allocated from the Highway Fund for the fiscal years ending June 30, 2002 and June 30, 2003, to the departments listed, the sums identified in the following, in order to provide funding for approved reclassifications and range changes.

	2001-02	2002-03
ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF		
Buildings and Grounds Operations		
Personal Services	\$1,239	\$1,019
All Other	(1,239)	(1,019)
TOTAL	<u>0</u>	<u>0</u>
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES	<u>0</u>	<u>0</u>
TOTAL	<u>0</u>	<u>0</u>

PUBLIC SAFETY, DEPARTMENT OF

Administration - Public Safety

Personal Services	2,113	1,684
All Other	(2,113)	(1,684)
TOTAL	<u>0</u>	<u>0</u>

State Police

Personal Services	2,334	2,580
All Other	(2,334)	(2,580)
TOTAL	<u>0</u>	<u>0</u>

Traffic Division

Personal Services	4,890	7,090
All Other	(4,890)	(7,090)
TOTAL	<u>0</u>	<u>0</u>

DEPARTMENT OF PUBLIC SAFETY

TOTAL	<u>0</u>	<u>0</u>
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SECRETARY OF STATE, DEPARTMENT OF THE

Administration - Motor Vehicles

Personal Services	1,754	2,051
All Other	(1,754)	(2,051)
TOTAL	<u>0</u>	<u>0</u>

DEPARTMENT OF THE SECRETARY OF STATE

TOTAL	<u>0</u>	<u>0</u>
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TRANSPORTATION, DEPARTMENT OF

Administration and Planning

Personal Services	84,027	54,778
All Other	(84,027)	(54,778)
TOTAL	<u>0</u>	<u>0</u>

Bridge Maintenance

Personal Services	6,691	5,643
All Other	(6,691)	(5,643)
TOTAL	<u>0</u>	<u>0</u>

Highway and Bridge Improvement

Personal Services	68,127	66,163
All Other	(68,127)	(66,163)
TOTAL	<u>0</u>	<u>0</u>

Highway Maintenance

Personal Services	28,818	20,454
All Other	(34,536)	(26,423)
TOTAL	<u>(5,718)</u>	<u>(5,969)</u>

Traffic Service

Personal Services	6,066	7,280
All Other	(348)	(1,311)

TOTAL	5,718	5,969
DEPARTMENT OF TRANSPORTATION TOTAL	0	0
SECTION TOTAL ALLOCATIONS	0	0

Sec. B-2. Allocations; Federal Expenditures Fund. The following funds are allocated from the Federal Expenditures Fund for the fiscal years ending June 30, 2002 and June 30, 2003, to the departments listed, the sums identified in the following, in order to provide funding for approved reclassifications and range changes.

	2001-02	2002-03
TRANSPORTATION, DEPARTMENT OF		
Highway and Bridge Improvement		
Personal Services	68,127	66,163
All Other	(68,127)	(66,163)
TOTAL	0	0
Traffic Service		
Personal Services	1,391	5,245
All Other	(1,391)	(5,245)
TOTAL	0	0
DEPARTMENT OF TRANSPORTATION TOTAL	0	0
SECTION TOTAL ALLOCATIONS	0	0

Sec. B-3. Allocations; Highway Garage Fund. The following funds are allocated from the Highway Garage Fund for the fiscal years ending June 30, 2002 and June 30, 2003, to the departments listed, the sums identified in the following, in order to provide funding for the approved reclassifications and range changes.

	2001-02	2002-03
TRANSPORTATION, DEPARTMENT OF		
Motor Transport Service		
Personal Services	9,828	4,831
DEPARTMENT OF TRANSPORTATION TOTAL	9,828	4,831
SECTION TOTAL ALLOCATIONS	9,828	4,831

Sec. B-4. Allocations; Island Ferry Services Fund. The following funds are allocated from the Island Ferry Services Fund for the fiscal years

ending June 30, 2002 and June 30, 2003, to the departments listed, the sums identified in the following, in order to provide funding for the approved reclassifications and range changes.

	2001-02	2002-03
TRANSPORTATION, DEPARTMENT OF		
Island Ferry Service		
Personal Services	7,695	5,430
DEPARTMENT OF TRANSPORTATION TOTAL	7,695	5,430
SECTION TOTAL ALLOCATIONS	\$7,695	\$5,430

PART C

Sec. C-1. Allocations; Highway Fund. The following allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF 18		
Salary Plan		
Initiative: Provides for the allocation of funds to cover anticipated salary costs.		
Highway Fund	2001-02	2002-03
Personal Services	\$1,509,015	\$1,634,524
ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF 18		
DEPARTMENT TOTALS	2001-02	2002-03
HIGHWAY FUND	1,509,015	1,634,524
DEPARTMENT TOTAL - ALL FUNDS	\$1,509,015	\$1,634,524

PART D

Sec. D-1. Allocations. The following allocations are made.

SECRETARY OF STATE, DEPARTMENT OF THE 29		
Administration - Motor Vehicles 0077		
Initiative: Allocates additional funds necessary for contractual services that originally had funding allocated in fiscal year 1999-00 but because of delays in the implementation of the project the funds have lapsed. The \$230,000 allocation requested will provide funds necessary to fulfill payment obligations under the contract.		
Highway Fund	2001-02	2002-03
All Other	\$230,000	\$0
SECRETARY OF STATE, DEPARTMENT OF THE 29		
DEPARTMENT TOTALS	2001-02	2002-03

HIGHWAY FUND	230,000	0
DEPARTMENT TOTAL - ALL FUNDS	230,000	0

TRANSPORTATION, DEPARTMENT OF 17

Highway and Bridge Improvement 0406

Initiative: To correct the allocation for expenditure types to the MDOT Highway and Bridge Improvement program. These allocation adjustments are reversed in the Local Bridge program.

Highway Fund	2001-02	2002-03
Personal Services	350,000	350,000
Capital Expenditures	(350,000)	(350,000)
Total	0	0

Federal Expenditures Fund	2001-02	2002-03
Personal Services	200,000	200,000
Total	200,000	200,000

Highway and Bridge Improvement 0406

Initiative: Provides for the transfer of one Environmental Specialist IV position from the Administration and Planning program. Also provides for the transfer of one Marine Ports Manager position and one Transportation Planning Specialist position to the Administration and Planning program and one Civil Engineer II position and one Civil Engineer III position to the Bridge Maintenance program.

Highway Fund	2001-02	2002-03
Positions - Legislative Count	(-3,000)	(-3,000)
Personal Services	(124,806)	(252,996)

Local Bridges 0355

Initiative: To correct the allocation for expenditure types to the Local Bridge program. These allocation adjustments are reversed in the MDOT Highway and Bridge Improvement program.

Highway Fund	2001-02	2002-03
Personal Services	(350,000)	(350,000)
Capital Expenditures	350,000	350,000
Total	0	0

Federal Expenditures Fund	2001-02	2002-03
Personal Services	(200,000)	(200,000)
Total	(200,000)	(200,000)

Administration - Ports and Marine Transportation 0298

Initiative: Provides funding for selected municipalities to receive boating infrastructure grants.

Federal Expenditures Fund	2001-02	2002-03
All Other	0	300,000

Highway Maintenance 0330

Initiative: Provides for the transfer of one Account Clerk I position from the Traffic Service program. Provides for the transfer of one Civil Engineer II position to Administration and Planning and one Assistant Engineer position, one Assistant Technician position and one Clerk Typist II position to the Traffic Service program.

Highway Fund	2001-02	2002-03
Positions - Legislative Count	(-3,000)	(-3,000)
Personal Services	(83,832)	(169,937)

Traffic Service 0331

Initiative: Provides for the transfer of one Assistant Engineer position, one Assistant Technician position and one Clerk Typist II position from the Highway Maintenance program. Provides for the transfer of one Account Clerk I position to the Highway Maintenance program.

Highway Fund	2001-02	2002-03
Positions - Legislative Count	(2,000)	(2,000)
Personal Services	47,092	95,461

Bridge Maintenance 0333

Initiative: Provides for the transfer of one Civil Engineer II position and one Civil Engineer III position from the Highway and Bridge Improvement program.

Highway Fund	2001-02	2002-03
Positions - Legislative Count	(2,000)	(2,000)
Personal Services	79,614	161,386

Administration and Planning 0339

Initiative: Provides for the transfer of one Civil Engineer II position from the Highway Maintenance program and one Transportation Planning Specialist position and one Marine Ports Manager position from the Highway and Bridge Improvement program. Provides for the transfer of one Environmental Specialist IV position to the Highway Maintenance program.

Highway Fund	2001-02	2002-03
Positions - Legislative Count	(2,000)	(2,000)
Personal Services	81,932	166,086

TRANSPORTATION, DEPARTMENT OF 17

DEPARTMENT TOTALS	2001-02	2002-03
HIGHWAY FUND	0	0
FEDERAL EXPENDITURES FUND	0	300,000
DEPARTMENT TOTAL - ALL FUNDS	0	300,000
SECTION TOTALS	2001-02	2002-03
HIGHWAY FUND	230,000	0
FEDERAL EXPENDITURES FUND	0	300,000
SECTION TOTAL - ALL FUNDS	\$230,000	\$300,000

PART E

Sec. E-1. Appropriations and allocations.

The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF 18

Salary Plan 0305

Initiative: Allocates funds to the Salary Plan to cover a collective bargaining increase for the State Police and other personnel assigned to the Traffic Safety - Commercial Vehicle Enforcement Unit program within the Department of Public Safety.

Highway Fund	2001-02	2002-03
Personal Services	\$0	\$428,144
ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF 18 DEPARTMENT TOTALS		
	2001-02	2002-03
HIGHWAY FUND	0	428,144
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DEPARTMENT TOTAL - ALL FUNDS	0	428,144

PUBLIC SAFETY, DEPARTMENT OF 16

Traffic Safety - Commercial Vehicle Enforcement 0715

Initiative: Provides for the allocation of funds and the transfer of positions and program operations from Other Special Revenue funds to the Traffic Safety - Commercial Vehicle Enforcement Unit program within the Highway Fund.

Highway Fund	2001-02	2002-03
Positions - Legislative Count	(0.000)	(49.000)
Personal Services	0	2,873,791
All Other	0	373,961
Capital Expenditures	0	81,600
Total	0	3,329,352
Other Special Revenue Funds		
	2001-02	2002-03
Positions - Legislative Count	(0.000)	(-49.000)
Personal Services	0	(2,873,791)
All Other	0	(373,961)
Capital Expenditures	0	(81,600)
Total	0	(3,329,352)

Administration 0088

Initiative: Provides for the transfer of one Staff Accountant position and one Accounting Technician position and related operating expenditures from Other Special Revenue funds to the Highway Fund. These positions currently provide accounting services for the Traffic Safety - Commercial Vehicle Enforcement Unit program and are currently funded by that same program.

Highway Fund	2001-02	2002-03
Positions - Legislative Count	(0.000)	(2.000)
Personal Services	0	91,774
All Other	0	12,400
Total	0	104,174

Other Special Revenue Funds	2001-02	2002-03
Positions - Legislative Count	(0.000)	(-2.000)
Personal Services	0	(91,774)
All Other	0	(12,400)
Total	0	(104,174)

PUBLIC SAFETY, DEPARTMENT OF 16 DEPARTMENT TOTALS

	2001-02	2002-03
HIGHWAY FUND	0	3,433,526
OTHER SPECIAL REVENUE FUNDS	0	(3,433,526)
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DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0

SECRETARY OF STATE, DEPARTMENT OF THE 29

Motor Vehicles - Single Point of Contact 0077

Initiative: Provides for the allocation of funds and the transfer of positions and program operations from Other Special Revenue funds to the Single Point of Contact program within the Highway Fund.

Highway Fund	2001-02	2002-03
Positions - Legislative Count	(0.000)	(18.000)
Personal Services	0	691,985
All Other	0	109,059
Total	0	801,044

Other Special Revenue Funds	2001-02	2002-03
Positions - Legislative Count	(0.000)	(-18.000)
Personal Services	0	(691,985)
All Other	0	(109,059)
Total	0	(801,044)

SECRETARY OF STATE, DEPARTMENT OF THE 29 DEPARTMENT TOTALS

	2001-02	2002-03
HIGHWAY FUND	0	801,044
OTHER SPECIAL REVENUE FUNDS	0	(801,044)
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DEPARTMENT TOTAL - ALL FUNDS	0	0

	2001-02	2002-03
SECTION TOTALS		
HIGHWAY FUND	0	4,662,714
OTHER SPECIAL REVENUE FUNDS	0	(4,234,570)

SECTION TOTAL - ALL		
FUNDS	\$0	\$428,144

PART F

Sec. F-1. 29-A MRSA §561, as amended by PL 1997, c. 394, Pt. A, §1, is repealed.

Sec. F-2. 29-A MRSA §561-A is enacted to read:

§561-A. Fines and fees

Fines and fees authorized by this subchapter must be deposited with the Treasurer of State and accounted for by the State Controller as undedicated revenue to the Highway Fund.

Sec. F-3. 29-A MRSA §2602, sub-§4, ¶A, as enacted by PL 1997, c. 750, Pt. A, §3, is amended to read:

A. Six percent of fines and forfeitures collected for all traffic infractions, including fines and forfeitures collected for traffic infractions under section ~~561~~ 561-A, accrues to the Law Enforcement Agency Reimbursement Fund established in Title 4, section 173, subsection 4-B. This paragraph does not apply to sections 525, 1767 and 2363;

Sec. F-4. Transfer of funds. Any unencumbered balance remaining on June 30, 2002 in the Transportation Safety Fund, Other Special Revenue funds account, in the Department of Administrative and Financial Services, the Traffic Safety-Commercial Vehicle Enforcement Unit, Other Special Revenue funds account in the Department of Public Safety and the Motor Vehicle - Single Point of Contact, Other Special Revenue funds account, in the Department of the Secretary of State must be transferred by the State Controller at the close of this fiscal year to the unallocated surplus of the Highway Fund.

PART G

Sec. G-1. 5 MRSA §150-A is enacted to read:

§150-A. Short-term borrowing in anticipation of federal transportation funds

The Treasurer of State, with the approval of the Governor, may from time to time negotiate a temporary loan or loans in anticipation of federal transportation funds, as long as the term of the loans does not exceed 12 months and the aggregate principal amount of all notes issued in a federal fiscal year does not exceed 50% of the total of transportation funds appropriated by the Federal Government in the prior

federal fiscal year. The obligation to repay the notes must be a limited obligation of the State, payment of which may not be secured by a pledge of the faith and credit of the State or of a municipality or political subdivision but is payable solely from federal transportation funds, and a note must contain on its face a statement to that effect. A note may not directly, indirectly or contingently obligate the State or a municipality or political subdivision to levy or to pledge any form of taxation whatever for a payment on a note or to make an appropriation for payment of a note. Proceeds of a note must be used for highways, roads, bridges, other transportation improvements and related and subordinate facilities. A note must be dated, delivered, bear interest at a rate or rates and mature at a time or times not exceeding 12 months from the date of delivery, as may be determined by the Treasurer of State with the approval of the Governor, and may be made redeemable before maturity, at the option of the Treasurer of State with the approval of the Governor, at a price or prices and under terms and conditions as may be fixed by the Treasurer of State with the approval of the Governor. The Treasurer of State with the approval of the Governor may enter into an indenture or other agreement necessary for issuing a note. The Commissioner of Transportation, at the request of the Treasurer of State with the approval of the Governor, may enter into an agreement necessary for issuing a note. A note and the income from that note are exempt from all taxation within the State.

As used in this section, unless the context otherwise indicates, "note" means a bond, note or other obligation issued to evidence a loan negotiated pursuant to this section in anticipation of federal transportation funds. "Federal transportation funds" means federal funds used for transportation purposes including funds administered by or through the United States Department of Transportation.

Sec. G-2. Contingent effective date. This Part takes effect only if the Governor proclaims that the Constitution of Maine has been amended to allow the State to issue short-term debt in limited amounts that must be repaid with federal transportation funds within 12 months to facilitate the development of highways, bridges and other transportation infrastructure.

PART H

Sec. H-1. Adoption of rules. Notwithstanding the Maine Revised Statutes, Title 5, section 8072, subsection 8, the Department of Transportation shall finally adopt the major substantive portion of Chapter 299: Highway Driveway and Entrance Rules, Parts A and B, as approved by Resolve 2001, chapter 46, within 60 days of the effective date of this Part.

PART I

Sec. I-1. Interstate designations. The Department of Transportation shall work with the Federal Highway Administration, the American Association of State Highway and Transportation Officials and the Maine Turnpike Authority to redesignate the Falmouth spur of the Maine Turnpike as an unnumbered ramp and I-95 from Falmouth to West Gardiner as I-295.

PART J

Sec. J-1. PL 2001, c. 314, §3 is amended to read:

Sec. 3. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

	2001-02	2002-03
TRANSPORTATION, DEPARTMENT OF		
Local Bridges		
All Other	(\$250,000)	(\$250,000)
Capital Expenditures	(1,192,000)	(1,192,000)
Total	<u>(1,492,000)</u>	<u>(1,492,000)</u>
	(1,442,000)	(1,442,000)
Deallocation funds to reflect the transfer of capital and maintenance responsibilities for all minor spans that are on town ways to municipalities.		
Highway and Bridge Improvements		
Capital Expenditures	261,000	261,000
Allocates funds to reflect the transfer of responsibility for certain bridges from municipalities to the Department of Transportation.		
Bridge Maintenance		
All Other	131,000	131,000
Allocates additional funds to reflect the transfer of responsibility for certain bridges from municipalities to the Department of Transportation.		
DEPARTMENT OF TRANSPORTATION TOTAL		
	<u>(\$1,100,000)</u>	<u>(\$1,100,000)</u>
	(1,050,000)	(1,050,000)

PART K

Sec. K-1. 23 MRSA §1803-B, sub-§1, ¶A, as repealed and replaced by PL 2001, c. 471, Pt. D, §22 and affected by §23, is amended to read:

A. Rural Road Initiative funds must be distributed as follows.

(1) Funds are distributed at a rate of \$600 per year per lane mile for all rural state aid minor collector roads and all public roads maintained by a municipality located outside urban compact areas as defined in section 754, except that funds are distributed at a rate of \$300 per year per lane mile for all seasonal public roads.

(2) Effective July 1, 2000, funds must be used for capital improvements as defined by this chapter, or for capital improvements to state aid minor collector roads as described in subsection 5. Prior to July 1, 2000, funds may be used only for the maintenance and improvement of public roads. In municipalities, counties and Indian reservations in which there are no rural state aid minor collector roads, funds may also be used for winter highway maintenance, acquisition of highway maintenance equipment or the construction of highway maintenance buildings if the governing legislative body affirmatively votes that its town ways and local bridges are in sufficiently good condition so as to not require significant repair or improvement for at least 10 years.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved, unless otherwise indicated.

Effective March 27, 2002, unless otherwise indicated.

CHAPTER 566

H.P. 1678 - L.D. 2181

An Act to Amend the Rule-making Authority of the Department of Conservation Regarding Timber Harvesting in Shoreland Areas

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

Sec. 1. 12 MRSA §8867-B, as enacted by PL 1999, c. 695, §1, is amended to read: