

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out everything after the title and before the summary and inserting the following:

**Emergency preamble. Whereas,** acts and resolves 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:**

## PART A

**Sec. A-1. Allocations.** There are allocated from the various funds for the fiscal year ending June 30, 2009, to the departments listed, the following sums.

### ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

#### Buildings and Grounds Operations 0080

Initiative: Adjusts funding for anticipated changes in heating fuel costs.

<b>HIGHWAY FUND</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
All Other	\$121,230	\$0	\$0
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HIGHWAY FUND TOTAL	\$121,230	\$0	\$0
<b>ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF DEPARTMENT TOTALS</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
HIGHWAY FUND	\$121,230	\$0	\$0
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DEPARTMENT TOTAL - ALL FUNDS	\$121,230	\$0	\$0

**PUBLIC SAFETY, DEPARTMENT OF**

**Highway Safety DPS 0457**

Initiative: Provides funding for blood alcohol tests for the implied consent program due to increased cost of the tests and rising number of tests conducted.

<b>HIGHWAY FUND</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
All Other	\$23,000	\$0	\$0
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HIGHWAY FUND TOTAL	\$23,000	\$0	\$0

**Motor Vehicle Inspection 0329**

Initiative: Provides funding for the increased cost of gasoline.

<b>HIGHWAY FUND</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
All Other	\$12,361	\$0	\$0
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HIGHWAY FUND TOTAL	\$12,361	\$0	\$0

**State Police 0291**

Initiative: Adjusts funding for anticipated changes in heating fuel costs.

<b>HIGHWAY FUND</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
All Other	\$13,911	\$0	\$0
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HIGHWAY FUND TOTAL	\$13,911	\$0	\$0

**State Police 0291**

Initiative: Adjusts funding for anticipated changes in utility costs.

<b>HIGHWAY FUND</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
All Other	\$8,074	\$0	\$0
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All Other	(\$528)	\$0	\$0
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HIGHWAY FUND TOTAL	(\$34,650)	\$0	\$0

**State Police 0291**

Initiative: Reduces funding from savings in insurance premiums. This initiative relates to the curtailments ordered in Financial Order 004576 F9.

<b>HIGHWAY FUND</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
All Other	(\$15,000)	\$0	\$0
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HIGHWAY FUND TOTAL	(\$15,000)	\$0	\$0

**State Police 0291**

Initiative: Reduces funding by managing vacant positions in fiscal year 2008-09. This initiative relates to the curtailments ordered in Financial Order 004576 F9.

<b>HIGHWAY FUND</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
Personal Services	(\$91,754)	\$0	\$0
All Other	(\$1,419)	\$0	\$0
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HIGHWAY FUND TOTAL	(\$93,173)	\$0	\$0

**State Police - Support 0981**

Initiative: Provides funding for the increased cost of STA-CAP.

<b>HIGHWAY FUND</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
All Other	\$595	\$0	\$0
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HIGHWAY FUND TOTAL	\$595	\$0	\$0

**Traffic Safety 0546**

Initiative: Adjusts funding for anticipated changes in heating fuel costs.

<b>HIGHWAY FUND</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
All Other	\$1,257	\$0	\$0
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HIGHWAY FUND TOTAL	\$1,257	\$0	\$0

<b>PUBLIC SAFETY, DEPARTMENT OF DEPARTMENT TOTALS</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
<b>HIGHWAY FUND</b>	<b>\$72,240</b>	<b>\$0</b>	<b>\$0</b>
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<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$72,240</b>	<b>\$0</b>	<b>\$0</b>

**SECRETARY OF STATE, DEPARTMENT OF**

**Administration - Motor Vehicles 0077**

Initiative: Adjusts funding for anticipated changes in utility costs.

<b>HIGHWAY FUND</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
All Other	\$41,930	\$0	\$0
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HIGHWAY FUND TOTAL	\$41,930	\$0	\$0

**Administration - Motor Vehicles 0077**

Initiative: Provides funding for an increase in the Bureau of Motor Vehicles' STA-CAP rate from 4.723% to 5.456%.

<b>HIGHWAY FUND</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
All Other	\$265,235	\$0	\$0
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HIGHWAY FUND TOTAL	\$265,235	\$0	\$0

**Administration - Motor Vehicles 0077**

Initiative: Provides funding for the increased cost of leases and operating costs within the branch offices.

<b>HIGHWAY FUND</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
All Other	\$95,256	\$0	\$0

HIGHWAY FUND TOTAL	\$95,256	\$0	\$0
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**Administration - Motor Vehicles 0077**

Initiative: Reduces funding by managing vacant positions in fiscal year 2008-09.

HIGHWAY FUND	2008-09	2009-10	2010-11
Personal Services	(\$954,558)	\$0	\$0
HIGHWAY FUND TOTAL	(\$954,558)	\$0	\$0

SECRETARY OF STATE, DEPARTMENT OF DEPARTMENT TOTALS	2008-09	2009-10	2010-11
HIGHWAY FUND	(\$552,137)	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	(\$552,137)	\$0	\$0

**TRANSPORTATION, DEPARTMENT OF**

**Administration 0339**

Initiative: Adjusts funding for anticipated changes in utility costs.

HIGHWAY FUND	2008-09	2009-10	2010-11
All Other	\$239	\$0	\$0
HIGHWAY FUND TOTAL	\$239	\$0	\$0

**Administration 0339**

Initiative: Reduces funding by managing vacant positions and overtime in fiscal year 2008-09.

HIGHWAY FUND	2008-09	2009-10	2010-11
Personal Services	(\$200,000)	\$0	\$0

HIGHWAY FUND TOTAL (\$200,000) \$0 \$0

**Administration 0339**

Initiative: Reduces Capital Expenditures funding by delaying equipment purchases.

HIGHWAY FUND	2008-09	2009-10	2010-11
Capital Expenditures	(\$50,000)	\$0	\$0
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HIGHWAY FUND TOTAL	(\$50,000)	\$0	\$0

**Bond Interest - Highway 0358**

Initiative: Reduces funding in the Bond Interest - Highway account.

HIGHWAY FUND	2008-09	2009-10	2010-11
All Other	(\$1,630,165)	\$0	\$0
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HIGHWAY FUND TOTAL	(\$1,630,165)	\$0	\$0

**Bond Retirement - Highway 0359**

Initiative: Reduces funding in the Bond Retirement - Highway program.

HIGHWAY FUND	2008-09	2009-10	2010-11
All Other	(\$245,000)	\$0	\$0
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HIGHWAY FUND TOTAL	(\$245,000)	\$0	\$0

**Callahan Mine Site Restoration Z007**

Initiative: Provides funding for litigation support and legal initiatives for the Callahan Mine Restoration Site.

OTHER SPECIAL REVENUE FUNDS	2008-09	2009-10	2010-11
All Other	\$200,000	\$0	\$0
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OTHER SPECIAL REVENUE FUNDS	\$200,000	\$0	\$0
TOTAL			

**Fleet Services 0347**

Initiative: Adjusts funding for anticipated changes in utility costs.

<b>FLEET SERVICES FUND - DOT</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
All Other	\$41,455	\$0	\$0
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FLEET SERVICES FUND - DOT	\$41,455	\$0	\$0
TOTAL			

**Highway and Bridge Capital 0406**

Initiative: Adjusts funding for anticipated changes in utility costs.

<b>HIGHWAY FUND</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
All Other	\$1,896	\$0	\$0
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HIGHWAY FUND TOTAL	\$1,896	\$0	\$0

**Highway and Bridge Capital 0406**

Initiative: Adjusts funding for anticipated level of activities for infrastructure capital projects based on available resources.

<b>HIGHWAY FUND</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
Capital Expenditures	(\$3,717,652)	\$0	\$0
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HIGHWAY FUND TOTAL	(\$3,717,652)	\$0	\$0

**Island Ferry Service 0326**

Initiative: Adjusts funding for anticipated changes in the cost of diesel fuel, gasoline and heating oil.

<b>ISLAND FERRY SERVICES FUND</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
All Other	\$100,000	\$0	\$0



ISLAND FERRY SERVICES FUND	\$100,000	\$0	\$0
TOTAL			

**Island Ferry Service 0326**

Initiative: Adjusts funding for anticipated changes in utility costs.

ISLAND FERRY SERVICES FUND	2008-09	2009-10	2010-11
All Other	\$17,625	\$0	\$0
ISLAND FERRY SERVICES FUND	\$17,625	\$0	\$0
TOTAL			

**Maintenance and Operations 0330**

Initiative: Adjusts funding for anticipated changes in the cost of diesel fuel, gasoline and heating oil.

HIGHWAY FUND	2008-09	2009-10	2010-11
All Other	\$140,000	\$0	\$0
HIGHWAY FUND TOTAL	\$140,000	\$0	\$0

**Maintenance and Operations 0330**

Initiative: Provides funding for the increased quantity and cost of salt. This will provide for the increase in salt from \$56.78 per ton to \$72 per ton for 100,000 tons of salt. This also adds an additional 12,000 tons of salt at \$72 per ton.

HIGHWAY FUND	2008-09	2009-10	2010-11
All Other	\$2,386,000	\$0	\$0
HIGHWAY FUND TOTAL	\$2,386,000	\$0	\$0

**Maintenance and Operations 0330**

Initiative: Adjusts funding for anticipated changes in utility costs.

<b>HIGHWAY FUND</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
All Other	\$207,652	\$0	\$0
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HIGHWAY FUND TOTAL	\$207,652	\$0	\$0

### **Maintenance and Operations 0330**

Initiative: Reduces funding by managing vacant positions and overtime in fiscal year 2008-09.

<b>HIGHWAY FUND</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
Personal Services	(\$4,500,000)	\$0	\$0
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HIGHWAY FUND TOTAL	(\$4,500,000)	\$0	\$0

### **Maintenance and Operations 0330**

Initiative: Reduces Capital Expenditures funding by delaying equipment purchases.

<b>HIGHWAY FUND</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
Capital Expenditures	(\$1,000,000)	\$0	\$0
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HIGHWAY FUND TOTAL	(\$1,000,000)	\$0	\$0

### **Maintenance and Operations 0330**

Initiative: Provides funding for emergency repairs.

<b>HIGHWAY FUND</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
All Other	\$1,760,000	\$0	\$0
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HIGHWAY FUND TOTAL	\$1,760,000	\$0	\$0

### **Marine Highway Transportation Z016**

Initiative: Provides funding to increase the state support to 50% of the operating cost of the Maine State Ferry Service in accordance with Public Law 2005, chapter 664, Part C.

<b>HIGHWAY FUND</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
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All Other	\$50,000	\$0	\$0
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HIGHWAY FUND TOTAL	\$50,000	\$0	\$0

**Marine Highway Transportation Z016**

Initiative: Adjusts funding for anticipated changes in utility costs.

<b>HIGHWAY FUND</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
All Other	\$8,812	\$0	\$0
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HIGHWAY FUND TOTAL	\$8,812	\$0	\$0

**State Transit, Aviation and Rail Transportation Fund Z017**

Initiative: Adjusts funding for anticipated changes in utility costs.

<b>STATE TRANSIT, AVIATION AND RAIL TRANSPORTATION FUND</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
All Other	\$3,120	\$0	\$0
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STATE TRANSIT, AVIATION AND RAIL TRANSPORTATION FUND TOTAL	\$3,120	\$0	\$0

**Urban-Rural Initiative Program 0337**

Initiative: Reduces funding for the Urban-Rural Initiative Program as provided by law due to a reduction in the Department of Transportation's budget as a result of declining Highway Fund revenues.

<b>HIGHWAY FUND</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
All Other	(\$729,757)	\$0	\$0
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HIGHWAY FUND TOTAL	(\$729,757)	\$0	\$0

<b>TRANSPORTATION, DEPARTMENT OF DEPARTMENT TOTALS</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
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HIGHWAY FUND	(\$7,517,975)	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	\$200,000	\$0	\$0
FLEET SERVICES FUND - DOT	\$41,455	\$0	\$0
STATE TRANSIT, AVIATION AND RAIL TRANSPORTATION FUND	\$3,120	\$0	\$0
ISLAND FERRY SERVICES FUND	\$117,625	\$0	\$0
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DEPARTMENT TOTAL - ALL FUNDS	(\$7,155,775)	\$0	\$0

SECTION TOTALS	2008-09	2009-10	2010-11
HIGHWAY FUND	(\$7,876,642)	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	\$200,000	\$0	\$0
FLEET SERVICES FUND - DOT	\$41,455	\$0	\$0
STATE TRANSIT, AVIATION AND RAIL TRANSPORTATION FUND	\$3,120	\$0	\$0
ISLAND FERRY SERVICES FUND	\$117,625	\$0	\$0
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SECTION TOTAL - ALL FUNDS	(\$7,514,442)	\$0	\$0

**PART B**

**Sec. B-1. Allocations.** There are allocated from the various funds for the fiscal year ending June 30, 2009, to the departments listed, the sums identified in the following, in order to provide funding for approved reclassifications and range changes.

**SECRETARY OF STATE, DEPARTMENT OF**

**Administration - Motor Vehicles 0077**

Initiative: RECLASSIFICATIONS

HIGHWAY FUND	2008-09	2009-10	2010-11
Personal Services	\$2,936	\$0	\$0
All Other	(\$2,936)	\$0	\$0
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HIGHWAY FUND TOTAL	\$0	\$0	\$0

SECRETARY OF STATE, DEPARTMENT OF DEPARTMENT TOTALS	2008-09	2009-10	2010-11
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<b>HIGHWAY FUND</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
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<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**TRANSPORTATION, DEPARTMENT OF**

**Administration 0339**

Initiative: RECLASSIFICATIONS

<b>HIGHWAY FUND</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
Personal Services	\$18,195	\$0	\$0
All Other	(\$18,195)	\$0	\$0
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HIGHWAY FUND TOTAL	\$0	\$0	\$0

**Highway and Bridge Capital 0406**

Initiative: RECLASSIFICATIONS

<b>HIGHWAY FUND</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
Personal Services	\$50,877	\$0	\$0
All Other	(\$50,877)	\$0	\$0
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HIGHWAY FUND TOTAL	\$0	\$0	\$0

<b>FEDERAL EXPENDITURES FUND</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
Personal Services	\$41,620	\$0	\$0
All Other	(\$41,620)	\$0	\$0
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FEDERAL EXPENDITURES FUND TOTAL	\$0	\$0	\$0

**Island Ferry Service 0326**

Initiative: RECLASSIFICATIONS

<b>ISLAND FERRY SERVICES FUND</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
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Personal Services	\$71,892	\$0	\$0
All Other	(\$71,892)	\$0	\$0

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ISLAND FERRY SERVICES FUND TOTAL	\$0	\$0	\$0
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**Maintenance and Operations 0330**

Initiative: RECLASSIFICATIONS

<b>HIGHWAY FUND</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
Personal Services	\$12,378	\$0	\$0
All Other	(\$12,378)	\$0	\$0

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HIGHWAY FUND TOTAL	\$0	\$0	\$0
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<b>FEDERAL EXPENDITURES FUND</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
Personal Services	\$1,172	\$0	\$0
All Other	(\$1,172)	\$0	\$0

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FEDERAL EXPENDITURES FUND TOTAL	\$0	\$0	\$0
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**Public Transportation 0443**

Initiative: RECLASSIFICATIONS

<b>FEDERAL EXPENDITURES FUND</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
Personal Services	\$6,259	\$0	\$0
All Other	(\$6,259)	\$0	\$0

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FEDERAL EXPENDITURES FUND TOTAL	\$0	\$0	\$0
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**Suspense Receivable - Transportation 0344**

Initiative: RECLASSIFICATIONS

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
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Personal Services	\$161	\$0	\$0
All Other	(\$161)	\$0	\$0
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0	\$0
<b>TRANSPORTATION, DEPARTMENT OF</b>			
<b>DEPARTMENT TOTALS</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
<b>HIGHWAY FUND</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>ISLAND FERRY SERVICES FUND</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
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<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>SECTION TOTALS</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
<b>HIGHWAY FUND</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>ISLAND FERRY SERVICES FUND</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
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<b>SECTION TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## PART C

**Sec. C-1. Compensation and Benefit Plan; lapsed balances; Administrative and Financial Services, Highway Fund.** Notwithstanding any other provision of law, \$12,652 in projected salary savings in the Personal Services line category in the Compensation and Benefit Plan, Highway Fund account in the Department of Administrative and Financial Services lapses to the Highway Fund at the close of fiscal year 2008-09. These savings are the result of not granting a 4% salary increase effective January 1, 2009 to those unclassified employees whose salaries are subject to the Governor's adjustment or approval.

## PART D

**Sec. D-1. 23 MRSA §2705,** as amended by PL 1991, c. 272, is further amended to read:  
**§ 2705. Appropriation insufficient**

When the amount appropriated is not sufficient to repair or maintain the ways, a road commissioner may, with the written consent of the municipal officers, pay an amount not exceeding 15% of the amount so appropriated in addition to the amount appropriated.

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

## **SUMMARY**

### **PART A**

This Part makes allocations of funds for the fiscal year ending June 30, 2009.

### **PART B**

This Part makes allocations of funds for approved reclassifications and range changes.

### **PART C**

This Part lapses \$12,652 in projected salary savings in the Personal Services line category in the Compensation and Benefit Plan, Highway Fund account in the Department of Administrative and Financial Services to the Highway Fund at the close of fiscal year 2008-09.

### **PART D**

Under existing law, a road commissioner may, with the written consent of the municipal officers, exceed the road appropriation authorized by the local legislative body by 15% for road repairs. This Part clarifies that the road commissioner may exceed the appropriation to maintain the roads as well.

## **FISCAL NOTE REQUIRED**

**(See attached)**