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Public Law
124th Legislature
First Regular Session

Chapter 7
H.P. 54 - L.D. 61

**An Act To Make Supplemental Allocations from the Highway Fund
and Other Funds for the Expenditures of State Government and
To Change Certain Provisions of the Law Necessary to the Proper
Operations of State Government for the Fiscal Year Ending June 30, 2009**

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.

HIGHWAY FUND	2008-09	2009-10	2010-11
All Other	\$121,230	\$0	\$0
HIGHWAY FUND TOTAL	\$121,230	\$0	\$0

**ADMINISTRATIVE AND FINANCIAL
SERVICES, DEPARTMENT OF
DEPARTMENT TOTALS**

	2008-09	2009-10	2010-11
HIGHWAY FUND	\$121,230	\$0	\$0
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.

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

Motor Vehicle Inspection 0329

Initiative: Provides funding for the increased cost of gasoline.

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

State Police 0291

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

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

State Police 0291

Initiative: Adjusts funding for anticipated changes in utility costs.

HIGHWAY FUND	2008-09	2009-10	2010-11
All Other	\$8,074	\$0	\$0
HIGHWAY FUND TOTAL	\$8,074	\$0	\$0

State Police 0291

Initiative: Provides funding for the increased cost of gasoline.

HIGHWAY FUND	2008-09	2009-10	2010-11
All Other	\$198,165	\$0	\$0
HIGHWAY FUND TOTAL	\$198,165	\$0	\$0

State Police 0291

Initiative: Reduces funding for overtime associated with training. This initiative relates to the curtailments ordered in Financial Order 004576 F9.

HIGHWAY FUND	2008-09	2009-10	2010-11
Personal Services	(\$19,498)	\$0	\$0
All Other	(\$302)	\$0	\$0
HIGHWAY FUND TOTAL	(\$19,800)	\$0	\$0

State Police 0291

Initiative: Reduces funding for out-of-state travel except for emergency investigative purposes. This initiative relates to the curtailments ordered in Financial Order 004576 F9.

HIGHWAY FUND	2008-09	2009-10	2010-11
All Other	(\$22,500)	\$0	\$0
HIGHWAY FUND TOTAL	(\$22,500)	\$0	\$0

State Police 0291

Initiative: Reduces funding for overtime in the State Bureau of Identification. This initiative relates to the curtailments ordered in Financial Order 004576 F9.

HIGHWAY FUND	2008-09	2009-10	2010-11
Personal Services	(\$34,122)	\$0	\$0
All Other	(\$528)	\$0	\$0
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.

HIGHWAY FUND	2008-09	2009-10	2010-11
All Other	(\$15,000)	\$0	\$0
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.

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

State Police - Support 0981

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

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

Traffic Safety 0546

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

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

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

SECRETARY OF STATE, DEPARTMENT OF**Administration - Motor Vehicles 0077**

Initiative: Adjusts funding for anticipated changes in utility costs.

HIGHWAY FUND	2008-09	2009-10	2010-11
All Other	\$41,930	\$0	\$0
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%.

HIGHWAY FUND	2008-09	2009-10	2010-11
All Other	\$265,235	\$0	\$0
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.

HIGHWAY FUND	2008-09	2009-10	2010-11
All Other	\$95,256	\$0	\$0
HIGHWAY FUND TOTAL	\$95,256	\$0	\$0

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
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
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
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
OTHER SPECIAL REVENUE FUNDS TOTAL	\$200,000	\$0	\$0

Fleet Services 0347

Initiative: Adjusts funding for anticipated changes in utility costs.

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

Highway and Bridge Capital 0406

Initiative: Adjusts funding for anticipated changes in utility costs.

HIGHWAY FUND	2008-09	2009-10	2010-11
All Other	\$1,896	\$0	\$0
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.

HIGHWAY FUND	2008-09	2009-10	2010-11
Capital Expenditures	(\$3,717,652)	\$0	\$0
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.

ISLAND FERRY SERVICES FUND	2008-09	2009-10	2010-11
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.

HIGHWAY FUND	2008-09	2009-10	2010-11

All Other	\$207,652	\$0	\$0
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.

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

Maintenance and Operations 0330

Initiative: Reduces Capital Expenditures funding by delaying equipment purchases.

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

Maintenance and Operations 0330

Initiative: Provides funding for emergency repairs.

HIGHWAY FUND	2008-09	2009-10	2010-11
All Other	\$1,760,000	\$0	\$0
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.

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

Marine Highway Transportation Z016

Initiative: Adjusts funding for anticipated changes in utility costs.

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

State Transit, Aviation and Rail Transportation Fund Z017

Initiative: Adjusts funding for anticipated changes in utility costs.

STATE TRANSIT, AVIATION AND RAIL TRANSPORTATION FUND	2008-09	2009-10	2010-11
All Other	\$3,120	\$0	\$0
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.

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

TRANSPORTATION, DEPARTMENT OF DEPARTMENT TOTALS	2008-09	2009-10	2010-11
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
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
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
HIGHWAY FUND TOTAL	\$0	\$0	\$0

SECRETARY OF STATE, DEPARTMENT OF DEPARTMENT TOTALS

	2008-09	2009-10	2010-11
HIGHWAY FUND	\$0	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0	\$0

TRANSPORTATION, DEPARTMENT OF

Administration 0339

Initiative: RECLASSIFICATIONS

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

Highway and Bridge Capital 0406

Initiative: RECLASSIFICATIONS

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

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

Island Ferry Service 0326

Initiative: RECLASSIFICATIONS

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

Maintenance and Operations 0330

Initiative: RECLASSIFICATIONS

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

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

Public Transportation 0443

Initiative: RECLASSIFICATIONS

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

Suspense Receivable - Transportation 0344

Initiative: RECLASSIFICATIONS

OTHER SPECIAL REVENUE FUNDS	2008-09	2009-10	2010-11
Personal Services	\$161	\$0	\$0
All Other	(\$161)	\$0	\$0
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0	\$0

TRANSPORTATION, DEPARTMENT OF DEPARTMENT TOTALS	2008-09	2009-10	2010-11
HIGHWAY FUND	\$0	\$0	\$0
FEDERAL EXPENDITURES FUND	\$0	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	\$0	\$0	\$0
ISLAND FERRY SERVICES FUND	\$0	\$0	\$0
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DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0	\$0

SECTION TOTALS	2008-09	2009-10	2010-11
HIGHWAY FUND	\$0	\$0	\$0
FEDERAL EXPENDITURES FUND	\$0	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	\$0	\$0	\$0
ISLAND FERRY SERVICES FUND	\$0	\$0	\$0
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SECTION TOTAL - ALL FUNDS	\$0	\$0	\$0

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.

Effective March 17, 2009.