

## CHAPTER 149

### BUDGET

#### §1661. Definition

The words "Governor-elect," whenever used in this chapter and chapter 145, shall be held to mean the candidate most recently elected to the office of Governor of the State of Maine in the November election for choice of Governor, or his successor. [PL 1987, c. 402, Pt. A, §39 (AMD).]

The words "Fund for a Healthy Maine," whenever used in this chapter, mean the Other Special Revenue account within the Department of Administrative and Financial Services established pursuant to Title 22, section 1511. [PL 2001, c. 559, Pt. AA, §1 (NEW).]

#### SECTION HISTORY

PL 1987, c. 402, §A39 (AMD). PL 2001, c. 559, §AA1 (AMD).

#### §1662. Powers and duties

The Department of Administrative and Financial Services, through the Bureau of the Budget, has the duty and authority: [PL 1991, c. 780, Pt. Y, §47 (AMD).]

**1. State budget document.** To prepare and submit to the Governor-elect, or the Governor, biennially, a state budget document in accordance with chapters 141 to 155;

##### **1-A. Federal expenditure budget.**

[PL 1979, c. 711, Pt. F, §2 (RP).]

**2. Work program and allotments.** To examine and recommend for approval the work program and quarterly allotments of each department and agency of the State Government, before the appropriations or other funds of such department or agency shall become available for expenditure;

**3. Changes.** To examine and recommend for approval any changes in the work program and quarterly allotments of any department or agency of the State Government during the fiscal year;

**4. Review, plans and report.** To constantly review the administrative activities of other departments and agencies of the State, study organization and administration, investigate duplication of work and to formulate plans for better and more efficient management, and report periodically to the Governor and on request to the Legislature;

**5. Rules.** To make rules, subject to the approval of the Commissioner of Administrative and Financial Services, for the carrying out of this chapter and chapter 145; and  
[PL 1991, c. 780, Pt. Y, §48 (AMD).]

**6. Necessary data.** To require all departments and other agencies in the Executive, Legislative and Judicial Departments of State Government to prepare and submit for review such data, information or records as may be deemed necessary by the State Budget Officer to facilitate the Bureau of the Budget's efforts regarding this section. Copies of these materials shall be made available to the Office of Fiscal and Program Review by the Bureau of the Budget upon request of the Director of Fiscal and Program Review.

[PL 1985, c. 737, Pt. B, §8 (AMD).]

#### SECTION HISTORY

PL 1977, c. 583, §3 (AMD). PL 1979, c. 711, §F2 (AMD). PL 1985, c. 174, §§J1,J2 (AMD). PL 1985, c. 737, §B8 (AMD). PL 1985, c. 785, §§A57,58 (AMD). PL 1987, c. 402, §A40 (AMD). PL 1991, c. 780, §§Y47,48 (AMD).

**§1663. Scope of budget**

The budget of the State Government shall present a complete financial plan for each fiscal year of the ensuing biennium. It shall set forth all proposed expenditures for the administration, operation and maintenance of the departments and agencies of the State Government; all interest and debt redemption charges during each fiscal year and all expenditures for capital projects to be undertaken and executed during each fiscal year of the biennium. In addition thereto, the state budget shall set forth the anticipated revenues of the State Government and any other additional means of financing expenditures proposed for each fiscal year of the biennium.

**§1664. Form of budget document**

**1. Form.** The state budget document, setting forth a 4-year financial plan for the State Government for each fiscal year of the ensuing biennium and the following biennium, must:

A. Consist of a budget message by the Governor-elect or the Governor that outlines the 4-year financial plan of State Government for the ensuing biennium and the following biennium; [PL 2005, c. 601, §1 (NEW).]

B. Embrace a general budget summary setting forth the aggregate figures of the budget in such a manner as to show the balanced relationship between the total proposed expenditures and the total anticipated revenues together with the other means of financing the budget for each fiscal year of the ensuing biennium, contrasted with the corresponding figures for the last completed fiscal year and the fiscal year in progress. The general budget summary must:

(1) Be supported by explanatory schedules or statements, classifying the expenditures contained therein by organization units, objects and funds and the income by organization units, sources and funds; and

(2) Include a summary and details of programs funded through the Fund for a Healthy Maine, presenting the allocation requirements and projected revenues and other available resources shown in a budget fund flow statement and a comparative statement that presents income sources for revenue projections and allocation estimates by program categories; [PL 2005, c. 601, §1 (NEW).]

C. Include a financial plan for the following biennium with forecasted General Fund, Highway Fund and Fund for a Healthy Maine appropriation requirements and projected revenues by income sources as provided in chapter 151-B and other available resources shown in a budget fund flow statement and a comparative statement that presents income sources for revenue projections and appropriation estimates by major program categories; [PL 2005, c. 601, §1 (NEW).]

D. [PL 2007, c. 1, Pt. P, §1 (RP).]

E. [PL 2013, c. 368, Pt. R, §1 (RP).]

F. Include statements of the bonded indebtedness of the State Government showing the debt redemption requirements, the debt authorized and unissued and the condition of the sinking funds; [PL 2007, c. 613, §1 (AMD).]

G. Contain any statements relative to the financial plan that the Governor-elect or the Governor considers desirable or that may be required by the Legislature; and [PL 2007, c. 613, §2 (AMD).]

H. Include a long-range plan for State Government. The long-range plan must describe the vision of the Governor-elect or the Governor for State Government for the upcoming biennium and the 2 succeeding biennia and how the proposed biennial budget fits into and moves State Government toward this long-range vision. [PL 2007, c. 613, §3 (NEW).]

[PL 2013, c. 368, Pt. R, §1 (AMD).]

**2. Judicial Department appropriations or allocations.** If the Governor submits legislation setting forth appropriations or allocations for the Judicial Department that differ from the full budget request submitted by the Judicial Department under Title 4, section 24, the Governor shall simultaneously submit a report to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and judiciary matters explaining why the Governor's budget legislation differs from the Judicial Department's budget submission.

[PL 2005, c. 601, §1 (NEW).]

**3. Office of Program Evaluation and Government Accountability appropriations or allocations.** If the Governor submits legislation setting forth appropriations or allocations for the Office of Program Evaluation and Government Accountability that differ from the budget request presented by the Legislative Council on behalf of that office, the Governor shall simultaneously submit a report to the Legislative Council and the Office of Program Evaluation and Government Accountability explaining why the Governor's budget legislation differs from the Legislative Council's budget request.

[PL 2005, c. 601, §1 (NEW).]

**3-A. Funding for research and development.** Beginning in fiscal year 2008-09, the Governor, when submitting the budget document to the Legislature pursuant to section 1666, shall submit a funding level recommendation for research and development. The recommendation must be transmitted to the Legislature within the time schedules set forth in section 1666. It is the intent of the Legislature that beginning in fiscal year 2009-10 the biennial budget submitted by the Governor must set forth appropriations for research and development that are the equivalent of not less than 1% of total actual General Fund revenue of the previous fiscal year. For each successive year for the next 10 fiscal years, the funding level must increase by at least 2/10 of 1% until funding for research and development is the equivalent to not less than 3% of total actual General Fund revenue of the previous fiscal year. If the Governor's budget sets forth recommendations for research and development that differ from the levels described in this subsection, the Governor shall explain the funding difference in the biennial budget document.

[PL 2007, c. 420, §1 (NEW).]

**3-B. Maine Indian Tribal-State Commission appropriations or allocations.** If the Governor submits legislation setting forth appropriations or allocations for the Maine Indian Tribal-State Commission that differ from the full budget proposal developed under Title 30, section 6212, subsection 6, the Governor shall simultaneously submit a report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over judiciary matters explaining why the Governor's budget legislation differs from that proposal.

[PL 2009, c. 636, Pt. C, §1 (NEW).]

**4. Position identification.** The Governor, when submitting the budget to the Legislature, shall submit the budget document and the budget bills in a manner that identifies positions authorized by the Legislature for less than 52 weeks in a fiscal year as "Positions - Full-time Equivalent," or "FTE," and positions authorized by the Legislature for 52 weeks in a fiscal year as "Positions - Legislative Count" for all funds. The State Budget Officer shall implement and administer procedures to ensure sufficient FTE and appropriation or allocation control for positions authorized by the Legislature for less than 52 weeks in a fiscal year.

[PL 2005, c. 601, §1 (NEW).]

**5. Limit on General Fund appropriation.** The total General Fund appropriation for each fiscal year of the biennium in the Governor's budget submission to the Legislature may not exceed the General Fund appropriation limitation established in section 1534.

[PL 2005, c. 601, §1 (NEW).]

## SECTION HISTORY

PL 1973, c. 744 (AMD). PL 1975, c. 515 (AMD). PL 1981, c. 271 (AMD). PL 1981, c. 444, §1 (AMD). PL 1981, c. 702, §N (AMD). PL 1983, c. 526, §1 (AMD). PL 1987, c. 735, §9 (AMD). PL 1989, c. 439, §§2,8 (AMD). PL 1989, c. 501, §P12 (AMD). PL 1989, c. 934, §C1 (AMD). PL 1991, c. 376, §19 (AMD). PL 1993, c. 410, §§C3,4 (AMD). PL 1993, c. 675, §C11 (AMD). PL 1995, c. 368, §§EE1,2 (AMD). PL 1995, c. 502, §G1 (AMD). PL 1995, c. 665, §S1 (AMD). PL 1997, c. 655, §1 (AMD). PL 2001, c. 559, §AA2 (AMD). PL 2001, c. 702, §4 (AMD). PL 2003, c. 451, §X8 (AMD). PL 2005, c. 2, §A6 (AMD). PL 2005, c. 2, §A14 (AFF). PL 2005, c. 601, §1 (RPR). PL 2007, c. 1, Pt. P, §1 (AMD). PL 2007, c. 420, §1 (AMD). PL 2007, c. 613, §§1-3 (AMD). PL 2009, c. 636, Pt. C, §1 (AMD). PL 2013, c. 368, Pt. R, §1 (AMD).

**§1665. Budget estimates**

**1. Expenditure and appropriation requirements.** On or before September 1st of the even-numbered years, all departments and other agencies of the State Government and corporations and associations receiving or desiring to receive state funds under the provisions of law shall prepare, in the manner prescribed by the State Budget Officer, and submit to the officer estimates of their expenditure and appropriation requirements for each fiscal year of the ensuing biennium. The expenditure estimates must be classified to set forth the data by funds, organization units, character and objects of expenditure. The organization units may be subclassified by functions and activities, or in any other manner, at the discretion of the State Budget Officer.

All departments and other agencies receiving or desiring to receive state funds from the Highway Fund shall submit to the officer estimates of their expenditure and appropriation requirements for each fiscal year of the ensuing biennium that do not exceed the Highway Fund appropriation of the previous fiscal year multiplied by one plus the average personal income growth rate. The Highway Fund highway and bridge improvement accounts are exempt from this spending limitation.

The State Budget Officer shall request that the Governor provide the budget proposal for the Maine Indian Tribal-State Commission developed pursuant to Title 30, section 6212, subsection 6. [PL 2015, c. 267, Pt. L, §9 (AMD).]

**2. Inclusion in estimate.**

[PL 2005, c. 601, §3 (RP).]

**3. Revenue estimates.** The State Budget Officer shall use the revenue projections recommended by the Revenue Forecasting Committee in setting revenue estimates for inclusion in the budget. The revenue estimates must be classified so as to show the income by organization units, sources and funds, or in any other manner, at the discretion of the State Budget Officer. [PL 1997, c. 655, §2 (AMD).]

**4. Additional data.** Upon receipt of the budget estimates submitted in accordance with this section, the State Budget Officer may require the heads of departments and other agencies of the State Government and officers of organizations and associations receiving or desiring to receive state funds under the provisions of law to appear before said officer and present such additional data in support of their budget estimates as said officer may deem necessary. [PL 1989, c. 501, Pt. P, §13 (NEW).]

**5. Maine Community College System; public improvements budgetary estimate.**

[PL 2013, c. 368, Pt. R, §2 (RP).]

**6. Fiscal impact statements.** Fiscal impact statements prepared by departments or agencies at the request of the State Budget Officer in response to legislative documents must include revenue and expenditure forecasts for each fiscal year of the current fiscal biennium and the following fiscal biennium in a form and method prescribed by the State Budget Officer.

[PL 1995, c. 368, Pt. EE, §3 (NEW).]

**7. General Fund and Highway Fund revenue and expenditure forecasts.** By September 30th of each even-numbered year, the State Budget Officer shall prepare and deliver a report to the Governor, the Legislature and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs containing a forecast of revenue and expenditures for the following biennium. The forecast must assume the continuation of current laws and include reasonable and predictable estimates of growth in revenues and expenditures based on national and local trends and program operations. General Fund and Highway Fund revenue must be forecasted by income source as provided in chapter 151-B. Expenditure forecasts for the General Fund and the Highway Fund must be forecasted on the basis of current law and assumed inflation variables related to program operations. The forecast for the General Fund and the Highway Fund must be presented in a budget fund flow statement and a comparative statement showing each income source for revenue projections and expenditure estimates for each major program category.

[PL 1999, c. 127, Pt. A, §6 (RPR); PL 1999, c. 127, Pt. A, §7 (AFF).]

#### SECTION HISTORY

PL 1989, c. 501, §P13 (RPR). RR 1991, c. 2, §9 (COR). PL 1991, c. 376, §20 (AMD). PL 1995, c. 368, §EE3 (AMD). PL 1995, c. 560, §K82 (AMD). PL 1995, c. 560, §K83 (AFF). PL 1995, c. 665, §S2 (AMD). PL 1997, c. 643, §E3 (AMD). PL 1997, c. 655, §§2,3 (AMD). PL 1999, c. 127, §A6 (AMD). PL 1999, c. 127, §A7 (AFF). PL 2001, c. 354, §3 (AMD). RR 2003, c. 2, §6 (COR). PL 2003, c. 20, §OO2 (AMD). PL 2003, c. 20, §OO4 (AFF). PL 2003, c. 451, §X9 (AMD). PL 2005, c. 2, §A7 (AMD). PL 2005, c. 2, §A14 (AFF). PL 2005, c. 601, §§2,3 (AMD). PL 2009, c. 636, Pt. C, §2 (AMD). PL 2011, c. 691, Pt. B, §8 (AMD). PL 2013, c. 368, Pt. R, §2 (AMD). PL 2015, c. 267, Pt. L, §9 (AMD).

#### §1666. Review and revision of estimates

The Governor-elect or the Governor, with the assistance of the State Budget Officer, shall review the budget estimates, altering, revising, increasing or decreasing the items of the estimates as may be determined necessary in view of the needs of the various departments and agencies and the total anticipated income of the State Government during the ensuing biennium. This review must cover all budgets regardless of source of funds, including, but not limited to, budgets related to the Highway Fund, the Federal Revenue Sharing Fund and other special revenue funds. The State Budget Officer, at the direction of the Governor-elect or the Governor shall then prepare a state budget document in the form required by law. The Governor-elect or the Governor is fully responsible for all budgetary recommendations made to the Legislature. The Governor shall transmit the budget document to the Legislature not later than the Friday following the first Monday in January of the first regular legislative session. At that time the Governor shall also transmit any emergency bills that authorize additional appropriations or allocations in the current fiscal year that the Governor may wish to propose. A Governor-elect elected to a first term of office shall transmit the budget document to the Legislature not later than the Friday following the first Monday in February of the first regular legislative session. At that time the Governor-elect shall also transmit any emergency bills that authorize additional appropriations or allocations in the current fiscal year that the Governor may wish to propose. [PL 2005, c. 601, §4 (AMD).]

The Governor, when submitting the budget to the Legislature, shall submit the budget document and the General Fund and Highway Fund bills in a manner that identifies the gross amount of resources for each program. The gross unified budget bills and budget document encompass resources from the General Fund, Highway Fund, Federal Expenditures Fund, Federal Block Grant Fund, Other Special Revenue Funds, internal service funds and enterprise funds. Separate gross unified budget bills must be submitted for the General Fund and the Highway Fund. All funds except trust and agency funds, bond funds and costs of goods sold expenditures in internal service funds and enterprise funds are

subject to legislative allocation. All programs with Highway Fund allocations and all internal service funds, enterprise funds and Other Special Revenue Funds accounts of the Department of Transportation and the TransCap Trust Fund in the Maine Municipal Bond Bank are subject to legislative allocations and are presented for informational purposes only in the budget document and General Fund budget bills unless a separate Highway Fund budget is not enacted. [PL 2007, c. 538, Pt. K, §1 (AMD).]

A budget document transmitted by the Governor or Governor-elect must include a part that asks the Legislature whether it wishes to continue funding each individual tax expenditure provided in the statutes. For purposes of this paragraph, "tax expenditures" means those state tax revenue losses attributable to provisions of Maine tax laws that allow a special exclusion, exemption or deduction or provide a special credit, a preferential rate of tax or a deferral of tax liability. The part must include for each tax expenditure a statutory section reference, a brief description of each tax expenditure and the loss of revenue estimated to be incurred by funding source and fiscal year. The joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs shall consider any reports regarding the evaluation of tax expenditures completed during the previous 2 years pursuant to Title 3, sections 999 and 1000 and shall hold at least one public hearing to receive public comment regarding those tax expenditures when reviewing the continuation of tax expenditures pursuant to this section. This paragraph applies with respect to the preparation of the budget document for the 2008-2009 biennium and thereafter. [PL 2015, c. 344, §5 (AMD).]

The Department of Public Safety, Bureau of State Police shall annually identify and quantify the activities of the Department of Public Safety, Bureau of State Police that may be eligible for funding from the Highway Fund pursuant to the Constitution of Maine, Article IX, Section 19. Starting March 1, 2018 and every 4 years thereafter, the Department of Public Safety, Bureau of State Police shall report the average annual percentage for the previous 4 years of activities eligible for funding from the Highway Fund pursuant to the Constitution of Maine, Article IX, Section 19 to the Governor, the joint standing committee of the Legislature having jurisdiction over transportation matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. The Governor or Governor-elect shall use such reports as a guide in developing budgets for the Department of Public Safety, Bureau of State Police. [PL 2013, c. 354, Pt. F, §2 (AMD).]

#### SECTION HISTORY

PL 1973, c. 732 (RPR). PL 1981, c. 316, §G (AMD). PL 1987, c. 735, §10 (AMD). PL 1989, c. 7, §O1 (AMD). PL 1989, c. 934, §C2 (AMD). PL 1993, c. 707, §R1 (AMD). PL 1995, c. 464, §14 (AMD). PL 2005, c. 12, §T6 (AMD). PL 2005, c. 386, §D1 (AMD). PL 2005, c. 457, §GGG1 (AMD). PL 2005, c. 601, §4 (AMD). PL 2007, c. 1, Pt. P, §2 (AMD). PL 2007, c. 537, §1 (AMD). PL 2007, c. 538, Pt. K, §1 (AMD). PL 2013, c. 354, Pt. F, §2 (AMD). PL 2015, c. 344, §5 (AMD).

#### §1666-A. Enactment of budget

The Legislature shall review a biennial or supplemental budget submitted to it in accordance with this chapter and enact a budget no later than 30 days prior to the date of adjournment prescribed in Title 3, section 2, except that, during the first year in office of a Governor-elect, the Legislature shall enact a budget no later than the first Friday in June. [PL 1995, c. 113, §1 (NEW).]

#### SECTION HISTORY

PL 1995, c. 113, §1 (NEW).

#### §1667. Work program and allotments

Not later than June 1st of each year, the Governor shall require the head of each department and agency of the State Government to submit to the Bureau of the Budget a work program for the ensuing fiscal year. Such work program shall include all appropriations, revenues, transfers and other funds, made available to said department or agency for its operation and maintenance and for the acquisition

of property, and it shall show the requested allotments of said sums by quarters for the entire fiscal year, classified to show allotments requested for specific amounts for personal services, capital expenditures and amounts for all other departmental expenses. The Department of Health and Human Services shall further break down its budget to include institutional food expenditures. Funds not expended for this budget item may not be transferred between line categories. The Governor, with the assistance of the State Budget Officer, shall review the requested allotments with respect to the work program of each department or agency and shall, if the Governor determines it necessary, revise, alter or change such allotments before approving the same. The Governor may authorize the State Budget Officer to approve quarterly allotments not to exceed \$45,000 in any account. The aggregate of such allotments may not exceed the total sums made available to said department or agency for the fiscal year in question. The State Budget Officer shall transmit a copy of the allotments as approved by the Governor to the head of the department or agency concerned and also a copy to the State Controller. The State Controller shall thereupon authorize all expenditures to be made from the sums available on the basis of such allotments and not otherwise. [PL 2001, c. 213, §1 (AMD); PL 2001, c. 354, §3 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

The head of any department or agency of the State Government, whenever he shall deem it necessary by reason of changed conditions, may revise the work program of his department or agency at the beginning of any quarter during the fiscal year, and submit such revised program to the Bureau of the Budget with his request for a revision of the allotments of the remaining quarters of that fiscal year. If, upon such re-examination of the work program, the State Budget Officer, with the approval of the Governor, shall decide to grant the request for the revision of the allotments, the same procedure, so far as it relates to review, approval and control shall be followed as in the making of the original allotments. [PL 1975, c. 771, §76 (AMD).]

#### SECTION HISTORY

PL 1973, c. 745 (AMD). PL 1975, c. 771, §§75-77 (AMD). PL 1977, c. 712, §F1 (AMD). PL 1981, c. 316, §I (AMD). PL 1995, c. 560, §K82 (AMD). PL 1995, c. 560, §K83 (AFF). PL 2001, c. 213, §1 (AMD). PL 2001, c. 354, §3 (AMD). PL 2003, c. 689, §B6 (REV).

#### **§1667-A. Access to budget management system data**

Notwithstanding any other provision of law, the State Budget Officer shall provide the Office of Fiscal and Program Review with electronic access, including report-writing capabilities, to those aspects of the budget management system presently referred to as the "budget analyst tool," except for those specific aspects of the system involved in budget recommendations that have been made or are being considered by the Governor or Governor-elect but have not yet been transmitted to the Legislature. For purposes of this section, "budget management system" and "budget analyst tool" include information used by the Bureau of the Budget to develop, analyze and review budgeted and actual revenue and expenditure information. [PL 1995, c. 41, §1 (NEW).]

Notwithstanding any other provision of law, the Legislative Council shall provide the Bureau of the Budget, upon the bureau's request, with enacted budget bills in a data processing form that permits the electronic conversion of data to the budget management system. [PL 1995, c. 41, §1 (NEW).]

#### SECTION HISTORY

PL 1995, c. 41, §1 (NEW).

#### **§1667-B. Allotment in excess of legislatively authorized allocations**

Allotments in Other Special Revenue funds accounts, internal service fund accounts and enterprise funds, except the State Lottery Fund and the Dirigo Health Enterprise Fund, may exceed current year allocations and the unused balance of allocations authorized to carry forward by law under the following conditions, except that funds in Other Special Revenue funds accounts, internal service fund

accounts and enterprise funds must be expended in accordance with the statutes that establish the accounts and for no other purpose: [PL 2005, c. 386, Pt. D, §2 (AMD).]

**1. Sufficient cash.** Sufficient cash is available from the Other Special Revenue funds accounts, the internal service fund accounts or the unencumbered balance authorized to carry forward by law; [PL 2005, c. 12, Pt. T, §7 (NEW).]

**2. Recommendation and approval.** Allotment of the funds under subsection 1 is recommended by the State Budget Officer and approved by the Governor by financial order as an allotment increase in the annual work program; [PL 2005, c. 12, Pt. T, §7 (NEW).]

**3. Legislative review.** Excluding the State - Municipal Revenue Sharing program, Other Special Revenue Funds account, the Disproportionate Tax Burden Fund program, Other Special Revenue Funds account in the Office of the Treasurer of State and accounts when allotting funds to pay death benefits pursuant to Title 25, chapter 195-A, allotment of the funds under subsection 1 is subject to review by the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs; [PL 2011, c. 655, Pt. K, §1 (AMD).]

**4. 30-day wait.** Excluding the State - Municipal Revenue Sharing program, Other Special Revenue Funds account, the Disproportionate Tax Burden Fund program, Other Special Revenue Funds account in the Office of the Treasurer of State and accounts when allotting funds to pay death benefits pursuant to Title 25, chapter 195-A, allotment of the funds under subsection 1 does not take effect until 30 days after the approval by the Governor; and [PL 2011, c. 655, Pt. K, §1 (AMD).]

**5. Collective bargaining; detrimental effect.** Either one of the following:

A. Allotment of the funds under subsection 1 is required to provide for the costs of approved collective bargaining agreements; or [PL 2005, c. 12, Pt. T, §7 (NEW).]

B. Failure to allot the funds under subsection 1 could have a significant detrimental impact on current programs. [PL 2005, c. 12, Pt. T, §7 (NEW).]

[PL 2005, c. 12, Pt. T, §7 (NEW).]

In case of extraordinary emergency situations, the requirements of subsection 4 may be waived by vote of the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. [PL 2005, c. 12, Pt. T, §7 (NEW).]

## SECTION HISTORY

PL 2005, c. 12, §7 (NEW). PL 2005, c. 386, §2 (AMD). PL 2011, c. 655, Pt. K, §1 (AMD).

### §1668. Temporary curtailment of allotments

Whenever it appears to the Commissioner of Administrative and Financial Services that the anticipated income and other available funds of the State will not be sufficient to meet the expenditures authorized by the Legislature, the commissioner shall so report in writing to the Governor, and shall send a copy of the report to the President of the Senate and the Speaker of the House and the majority and minority leaders of the Senate and House. After receiving the report, the Governor may temporarily curtail allotments equitably so that expenditures will not exceed the anticipated income and other available funds. No allotment may be terminated pursuant to this section. Any curtailment of allotments must, insofar as practicable, be made consistent with the intent of the Legislature in authorizing these expenditures. [PL 1991, c. 780, Pt. Y, §49 (AMD).]

The Governor shall immediately upon the curtailment of any allotment, notify the President of the Senate and the Speaker of the House and the majority and minority leaders of the Senate and House of



the specific allotments curtailed, the extent of curtailment of each allotment and the effect of each curtailment on the objects and purposes of the program so affected. [PL 1975, c. 771, §77-A (NEW).]

#### SECTION HISTORY

PL 1975, c. 771, §§77-A (NEW). PL 1985, c. 785, §A59 (AMD). PL 1991, c. 780, §Y49 (AMD).

#### **§1669. Federal funds**

A state department or agency may not make expenditures of any federal funds or expenditures in anticipation of receipt of federal funds for any new or expanded programs in the Federal Expenditures Fund or federal block grant funds, unless such federal funds are approved by the Legislature. The expenditure of such federal funds may be authorized for a period not to exceed 12 calendar months in accordance with sections 1585 and 1667. [PL 2001, c. 213, §2 (AMD).]

All departments and agencies that receive federal funds from the Federal Expenditures Fund or federal block grant funds shall, within 10 working days of receipt of any official notification from the Federal Government concerning the potential or actual increase or reduction in present funding, submit a copy of that notification to the Director of the Office of Fiscal and Program Review. In addition, departments and agencies shall, within 25 working days of that notification, submit in writing to the Director of the Office of Fiscal and Program Review their proposed plan of action to address the notification that may include an appeal or an outline of the options that will be examined in detail and a time frame for the examination. [PL 2001, c. 213, §2 (AMD).]

#### SECTION HISTORY

PL 1979, c. 711, §F3 (NEW). PL 1983, c. 824, §L (AMD). PL 1985, c. 737, §B9 (AMD). PL 1989, c. 7, §O2 (AMD). PL 2001, c. 213, §2 (AMD).

#### **§1669-A. Block grants**

**(REPEALED)**

#### SECTION HISTORY

PL 1995, c. 707, §C1 (NEW). PL 1995, c. 707, §C2 (AFF). PL 2001, c. 213, §3 (RP).

#### **§1670. Notification procedure for new federal mandates**

Every agency and department of the State shall submit to the State Budget Officer a list of any new laws, new regulations or other actions that may require the State to comply with any new federal mandate in the current biennium or the next biennium. [PL 1995, c. 591, §1 (NEW).]

Each item listed must include how the mandate is funded, the required implementation date, the citations or rulings authorizing the mandate and a brief description of the intended purpose of the mandate. [PL 1995, c. 591, §1 (NEW).]

On or before January 1st of each year, the State Budget Officer shall compile a complete list of new federal mandates and distribute it to each member of the Legislature and to the Director of the Office of Fiscal and Program Review. [PL 1995, c. 591, §1 (NEW).]

##### **1. Procedure for changes.**

[PL 1995, c. 591, §1 (RP).]

##### **2. Allocation.**

[PL 1995, c. 591, §1 (RP).]

##### **3. Reductions.**

[PL 1995, c. 591, §1 (RP).]

**4. Budget approval.** All budget recommendations pertaining to federal block grants must be submitted as part of the unified current services budget legislation in accordance with sections 1663 to 1666.

[PL 1997, c. 424, Pt. B, §1 (NEW).]

#### SECTION HISTORY

PL 1981, c. 316, §K (NEW). PL 1981, c. 534, §D (RPR). PL 1995, c. 591, §1 (RPR). PL 1997, c. 424, §B1 (AMD).

#### §1671. Federal grants from settlements

**1. Application.** This section shall apply to federal grants that are the result of class action or other litigation that involves the citizens of the State.

[PL 1983, c. 261, §1 (NEW).]

**2. Allocation.** No expenditure may be made from any such grants unless allocation of the funds is recommended by the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and approved by the Legislature.

[PL 1983, c. 261, §1 (NEW).]

**REVISOR'S NOTE:** §1671. Dedicated revenue accounts (As enacted by PL 1983, c. 477, Pt. E, Subpt. 19 is REALLOCATED TO TITLE 5, SECTION 1672)

#### SECTION HISTORY

PL 1983, c. 261, §1 (NEW). PL 1983, c. 477, Pt. E, Subpt. 19 (NEW). PL 1983, c. 583, §3 (RAL).

#### §1672. Dedicated revenue accounts

**(REPEALED)**

**(REALLOCATED FROM TITLE 5, SECTION 1671)**

#### SECTION HISTORY

PL 1983, c. 477, §E19 (NEW). PL 1983, c. 583, §3 (RAL). PL 1983, c. 824, §N1 (RP).

#### §1673. Allocation bills

All allocation bills shall be submitted in the same manner as required for the General Fund in section 1581 and shall be subject to the transfer provisions of section 1585. [PL 1983, c. 824, Pt. N, §2 (NEW).]

#### SECTION HISTORY

PL 1983, c. 824, §N2 (NEW).

#### §1674. Departmental indirect cost allocation proposal

Each department or agency of State Government that is authorized to expend more than \$25,000 on a single project in any fiscal year on the construction, repair or improvement of state-owned real property shall prepare and submit a departmental indirect cost allocation proposal to the Commissioner of Administrative and Financial Services prior to that expenditure. These proposals must be on file in the Department of Administrative and Financial Services. [PL 1991, c. 780, Pt. Y, §50 (AMD).]

The commissioner may promulgate rules necessary to carry out this section. [PL 1985, c. 195, §§1,2 (NEW).]

#### SECTION HISTORY

PL 1985, c. 195, §§1,2 (NEW). PL 1985, c. 785, §A60 (AMD). PL 1991, c. 780, §Y50 (AMD).

#### §1675. Acceptance of funds for alternative-fueled vehicles program

An agency or agencies of the State designated by the Governor to establish an alternative-fueled vehicle demonstration program under the National Energy Policy Act of 1992, Public Law 102-486, Section 409 may accept funds to implement that program from the Federal Government or from any person. [PL 1993, c. 466, §1 (NEW).]

#### SECTION HISTORY

PL 1993, c. 466, §1 (NEW).

#### **§1676. Transfer from salary plan**

Notwithstanding section 1585, available balances in the General Fund Salary Plan program in the Department of Administrative and Financial Services that are no longer required for the purposes for which they were appropriated may be made available by financial order upon the recommendation of the State Budget Officer and approval of the Governor to be used to meet the fixed obligation of the General Fund for the unfunded actuarial liability in each fiscal year. Any other available balances in the General Fund Salary Plan may only be used or made available in accordance with legislative authorization. [PL 2001, c. 219, §1 (AMD).]

#### SECTION HISTORY

PL 1997, c. 24, §EE1 (NEW). PL 2001, c. 219, §1 (AMD).

#### **§1676-A. Transfer from Highway Fund Salary Plan**

Notwithstanding section 1585, available balances in the Highway Fund Salary Plan program in the Department of Administrative and Financial Services that are no longer required for the purposes for which they were allocated may be made available by financial order upon the recommendation of the State Budget Officer and approval of the Governor to be used to meet the fixed obligation of the Highway Fund for the unfunded actuarial liability in each fiscal year. Any other available balances in the Highway Fund Salary Plan may only be used or made available in accordance with legislative authorization. [PL 2001, c. 219, §2 (AMD).]

#### SECTION HISTORY

PL 1997, c. 25, §M1 (NEW). PL 2001, c. 219, §2 (AMD).

#### **§1677. Municipal Budget Analysis Committee; established; membership (REPEALED)**

#### SECTION HISTORY

PL 2003, c. 712, §1 (NEW). PL 2009, c. 213, Pt. WW, §1 (RP).

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