

## §10202. Department funds

**1. Appropriation.** The amount of funds appropriated to the department in each fiscal year may not be less than the dollar amount collected, received or recovered by the department from license and permit fees, fines, penalties and all other money received by the department, except for any funds received from the Federal Government and money relating to the following:

- A. The department's account for the acquisition of waterfowl habitat set forth in section 10206, subsection 4; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
- B. Whitewater rafting; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
- C. The Maine Endangered and Nongame Wildlife Fund established in section 10253; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
- D. The watercraft fund of the Department of Marine Resources; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]
- E. The Snowmobile Trail Fund of the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF); PL 2011, c. 657, Pt. W, §§5, 7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]
- F. The ATV Recreational Management Fund of the Department of Agriculture, Conservation and Forestry; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF); PL 2011, c. 657, Pt. W, §5 (REV).]
- G. Boating access sites. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]  
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF); PL 2011, c. 657, Pt. W, §§5, 7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

**2. Additional funding.** The appropriation of certain additional funds is governed by the following.

- A. Appropriations to the department for costs that are associated with search and rescue are not considered amounts appropriated to the department under the Constitution of Maine, Article IX, Section 22. The liability of the General Fund for search and rescue costs is limited to the amount appropriated. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §41 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]
- B. General Fund appropriations to the Fiscal Stability Program under subsection 9 are not considered amounts appropriated to the department under the Constitution of Maine, Article IX, Section 22. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §41 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]  
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §41 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

**3. Revenues.** Actual revenues received in excess of that estimated and allocated by the Legislature may not be expended without allocation by the Legislature, except that excess federal revenues received are subject to the expenditure provisions of Title 5, section 1669.  
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

**4. Unencumbered balances.** Any unencumbered allocated balances, including existing balances, must be carried forward into the next fiscal year and may not be expended without allocation by the Legislature, except as provided in this section. Unencumbered balances in the boating access sites account are nonlapsing and must be carried forward to be used for the same purpose.  
[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

**5. Nonlapsing appropriations.** General Fund appropriations to the department are nonlapsing and must be carried forward in a separate General Fund program to be used by the department for the purposes described in section 10801, subsection 5. The department, in accordance with the

Constitution of Maine, Article IX, Section 22, shall seek legislatively authorized transfers from this program to meet the various costs associated with the department's other programs.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §42 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

**6. Savings fund; offset against future fee increases.** A savings fund, referred to in this subsection as the "fund," is established in the department. Appropriations to the fund are considered funds appropriated to the department under the meaning of the Constitution of Maine, Article IX, Section 22. Money appropriated to the fund does not lapse but must be carried forward and may be used by the department only to offset license fee increases if the use of that money for that purpose is approved by the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

**7. Cash reserve.** The department shall maintain as practical a cash reserve for the purpose of ensuring an adequate cash flow.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

**8. Snowmobile enforcement expenditures not to diminish.** In every fiscal year, the department shall budget from appropriations to the enforcement operations program an amount for snowmobile enforcement activities that is not less than the average General Fund expenditures from that program for those purposes over the previous 2 fiscal years. Expenditures from the Snowmobile Enforcement Fund, established in section 10258, may not be included in calculating average expenditures.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

**9. Fiscal Stability Program.** The Fiscal Stability Program is established to ensure that the general public and hunters and anglers share the cost of the fish and wildlife conservation programs of the department. To achieve this goal, beginning with the 2026-2027 biennial budget and for each biennial budget thereafter, the biennial budget submitted by the executive branch must include an additional General Fund appropriation of 18% in excess of the department's requested biennial budget.

[PL 2023, c. 17, Pt. N, §1 (AMD).]

**10. Review of budget.** The joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters shall review that part of the current services budget bill and any supplemental budget bills pertaining to the department in accordance with Title 3, section 522-A.

[RR 2021, c. 2, Pt. A, §21 (COR).]

**11. Review of license and permit fees, fines and penalties.** The joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters shall review license and permit fees, fines, penalties and all other money received by the department and shall submit a written report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs on or before March 1st of each year.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

**12. Monthly report.** By the 15th day of each month, the department shall submit a report to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters. When the Legislature is in session, the department shall submit its report at a meeting of the committee. When the Legislature is not in session, the department shall mail the report to each member of the committee with a copy to the Executive Director of the Legislative Council. The report must identify for the immediately preceding month:

A. Revenues of the department; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Expenditures of the department; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. The difference between the projected revenues and expenditures of the department and the actual revenues and expenditures. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

**13. Equipment.** The department shall notify the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters of any vehicle or heavy equipment purchase prior to that purchase, including the name of the item and expected cost. In addition, the department shall develop and implement a formal replacement schedule for the department's radio communication system. The joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters shall review the replacement schedule.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §44 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

**14. Bond issue.** The department shall submit to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters plans for a bond issue prior to submission of the bond issue to the full Legislature.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

**15. Temporary assessment on licenses, permits and registrations.**

[PL 2005, c. 12, Pt. III, §1 (RP).]

#### SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B41-45 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 12, §§Z1, III1 (AMD). PL 2007, c. 240, Pt. O, §1 (AMD). PL 2009, c. 213, Pt. I, §1 (AMD). PL 2011, c. 380, Pt. HH, §1 (AMD). PL 2011, c. 657, Pt. W, §§5, 7 (REV). PL 2013, c. 368, Pt. ZZ, §1 (AMD). PL 2013, c. 405, Pt. A, §24 (REV). PL 2015, c. 267, Pt. NNN, §1 (AMD). PL 2017, c. 284, Pt. VVVV, §1 (AMD). PL 2019, c. 343, Pt. LLL, §1 (AMD). PL 2021, c. 29, Pt. T, §1 (AMD). RR 2021, c. 2, Pt. A, §21 (COR). PL 2023, c. 17, Pt. N, §1 (AMD).

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