

MAINE STATE LEGISLATURE

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BUDGET BILL - FISCAL YEARS 2004-05



121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1319

H.P. 973

House of Representatives, March 11, 2003

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005

(EMERGENCY)

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BRANNIGAN of Portland. (GOVERNOR'S BILL)
Cosponsored by Senator CATHCART of Penobscot and
Representative: ROSEN of Bucksport, Senator: TURNER of Cumberland.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4 Whereas, the 90-day period may not terminate until after the
6 beginning of the next fiscal year; and

8 Whereas, certain obligations and expenses incident to the
operation of state departments and institutions will become due
and payable immediately; and

12 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,

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

PART A

22 **Sec. A-1. Appropriations and allocations.** In order to provide
for necessary expenditures of State Government and other purposes
for the fiscal years ending June 30, 2004 and June 30, 2005, the
following sums as designated in the following tabulations are
appropriated or allocated out of any money not otherwise
appropriated or allocated.

28 **Sec. A-2. Allotments required.** Upon receipt of allotments
duly approved by the Governor based upon work programs submitted
to the State Budget Officer, the State Controller shall authorize
expenditures of these funds, together with expenditures for other
purposes necessary to the conduct of State Government, on the
basis of these allotments and not otherwise. Allotments for
Personal Services and Capital Expenditures and amounts for All
Other departmental expenses may not exceed the amounts shown in
the budget document or as they may be revised by the joint
standing committee of the Legislature having jurisdiction over
these appropriations and allocations, unless recommended by the
State Budget Officer and approval of the Governor in accordance
with established law.

42 **Sec. A-3. Personal Services funding.** The amounts provided for
Personal Services in appropriated and allocated programs are
subject to the provision that the total number of positions and
the costs thereof in any program may not, during any fiscal year,
vary either from the positions included in computing the total
dollars appropriated or allocated for Personal Services or in the
specific cost of each position upon which the appropriations and
allocations are based. The State Budget Officer shall take the

3055 and 4508; Title 17, section 1015; Title 23, section 1653; Title 29-A, section 2602; and Title 34-A, section 1210-A, subsection 9.

Sec. R-2. 4 MRSA §163, sub-§1, as amended by PL 2001, c. 617, §2 and c. 698, §2 and affected by §7, is repealed and the following enacted in its place:

1. District Court funds. Except as otherwise provided by law, all fines, forfeitures, surcharges, assessments and fees collected in any division of the District Court or by the violations bureau must be paid to the clerk of that District Court, who shall deposit them in a special account in a timely manner. Once each month, the clerk shall remit the sums to the Treasurer of State, who shall credit them to the General Fund. At the same time, the clerk shall remit the sums that have been collected in accordance with section 1057; Title 5, chapter 316-A; Title 7, section 3910-A; Title 17, section 1015; Title 29-A, section 2411, subsection 7; and Title 34-A, section 1210-A, subsection 9. Funds received by the clerk as bail in criminal cases must be deposited daily in a special account. The clerk shall deposit the funds in an interest-bearing account unless the clerk determines that it is not cost-effective to do so. Interest accrued in the account is the property of and accrues to the State. The forfeiture and setoff of bail is governed as otherwise provided by law.

The court shall file a monthly report with the State Auditor itemizing the amount of fines, surcharges and assessments imposed and to whom each is payable.

Sec. R-3. 4 MRSA §1057, sub-§2-A, as amended by PL 1997, c. 395, Pt. O, 1, is further amended to read:

2-A. Surcharge imposed. A surcharge of 12% 14% must be added to every fine, forfeiture or penalty imposed by any court in this State, which, for the purposes of collection and collection procedures, is considered a part of the fine, forfeiture or penalty. All funds collected as a result of this surcharge must be deposited monthly in the Government Operations Surcharge Fund. One-sixth Two-sevenths of the surcharge collected must be paid to the Maine Criminal Justice Academy to supplement current funds for training and recertification of part-time and full-time law enforcement officers. This subsection takes effect January 1, 2001 or when the funding for the operation of the Judicial Department's computer system lapses, whichever occurs first.

Sec. R-4. 4 MRSA §1057-A, as amended by PL 2001, c. 698, §3 and affected by §7, is repealed.

Sec. R-5. 5 MRSA §948, sub-§1, ~~¶B~~, as enacted by PL 1983, c. 729, §4, is repealed.

Sec. R-6. 5 MRSA §948, sub-§1, ~~¶F~~, as amended by PL 2001, c. 559, Pt. EE, §1, is repealed.

Sec. R-7. 5 MRSA §948, sub-§1, ~~¶H~~, as amended by PL 1989, c. 648, §1, is repealed.

Sec. R-8. 22 MRSA §1555-B, sub-§9, as enacted by PL 1997, c. 305, §5, is amended to read:

9. Distribution of fines. Fines and forfeitures collected pursuant to subchapter 1 and this subchapter must be credited as follows: one half to the General Fund and 1/2 to be deposited in a nonlapsing account to be paid to law enforcement agencies of the Maine Criminal Justice Academy for the purpose of providing funds for training and recertification of part-time and full-time law enforcement officers.

Sec. R-9. 25 MRSA §1541, sub-§6, as amended by PL 2001, c. 552, §1, is further amended to read:

6. Establishment of fees. The State Bureau of Identification may charge a fee to nongovernmental organizations individuals, governmental organizations that are engaged in licensing and governmental organizations that are not a governmental entity of the State, a county of the State or a municipality of the State for each criminal history record check requested for noncriminal justice purposes pursuant to Title 16, chapter 3, subchapter VIII. The requestor shall provide a name and date of birth for each record being requested. A request made pursuant to 5 United States Code, Section 9101 must be accompanied by fingerprints. A governmental organization that is engaged in licensing may charge an applicant for the cost of the criminal history record check. The commissioner shall establish a schedule of fees that covers the cost of providing these services. Revenues generated from these fees must be credited to the General Fund and the Highway Fund in an amount consistent with currently budgeted allotments and allocations.

Sec. R-10. 25 MRSA §2902, sub-§7, as amended by PL 2001, c. 559, Pt. KK, §4, is repealed.

Sec. R-11. 34-A MRSA §1210-A, sub-§9, as enacted by PL 2001, c. 698, §5 and affected by §7, is amended to read:

9. Surcharge imposed. In addition to the 12% 14% surcharge collected pursuant to Title 4, section 1057 and the 2% surcharge

~~collected pursuant to Title 4, section 1057-A~~, an additional 1% surcharge must be added to every fine, forfeiture or penalty imposed by any court in this State, which for the purposes of collection and collection procedures is considered a part of the fine, forfeiture or penalty. Except as provided in subsection 10, all funds collected pursuant to this subsection are nonlapsing and must be deposited monthly in the County Jail Prisoner Support and Community Corrections Fund that is administered by the department. Except as provided in subsection 10, all funds collected pursuant to this subsection must be distributed to counties that have experienced at least a 10% increase in their total annual jail operating budget or to counties that have issued bonds for the construction of a new jail or renovation of an existing jail and that meet all other requirements under subsection 4. Funds distributed to counties pursuant to this subsection must be used for the sole purpose of funding costs of the support of prisoners detained or sentenced to county jails and for establishing and maintaining community corrections.

Sec. R-12. Retroactivity. Those sections of this Part that repeal and replace the Maine Revised Statutes, Title 4, section 116, first paragraph and section 163, subsection 1 apply retroactively to August 1, 2002.

PARTS

Sec. S-1. Transfer of funds. Notwithstanding any other provision of law, the State Controller shall transfer \$149,703 of savings from the Bureau of Elections and Commissions, Administrative Services and Corporations, Other Special Revenue Funds account in the Department of the Secretary of State to the unappropriated surplus of the General Fund no later than June 30, 2004.

Sec. S-2. Transfer of funds. Notwithstanding any other provision of law, the State Controller shall transfer \$20,000 of savings from the Archives, Other Special Revenue Funds account in the Department of the Secretary of State to the unappropriated surplus of the General Fund no later than June 30, 2004.

PART T

Sec. T-1. 4 MRSA §8-A, as enacted by PL 1981, c. 241, is amended by amending the headnote to read:

§8-A. Rules on courts records and unclaimed property

Sec. T-2. 4 MRSA §8-A, sub-§2, as enacted by PL 1981, c. 241, is amended to read:

2. **Unclaimed property.** To provide, after reasonable notice to interested parties or their attorneys, for the transfer to the Treasurer of State for disposition as abandoned unclaimed property in the manner provided by Title 33, sections ~~1357~~ 1958 and ~~1358~~ 1959 of property in the possession or custody of the courts of this State as a result of civil or criminal litigation.

Sec. T-3. 5 MRSA §135, as amended by PL 1999, c. 401, Pt. HHH, §1, is further amended to read:

§135. Deposit of state funds; limitations

The Treasurer of State may deposit the money, including trust funds of the State, in any of ~~the national bank or in any banking institutions or institution, trust companies or company,~~ state or federal savings and loan associations association or mutual savings banks bank organized under the laws of this State or ~~in any national bank or banks of state or federal savings and loan associations located in the State, having a location in the State~~ except as provided in chapter 161. Before making a deposit, the Treasurer of State must consider the rating of the banking institution, trust company, state or federal savings and loan association or mutual savings bank on its most recent assessment conducted pursuant to the federal Community Reinvestment Act, 12 United States Code, Section 2901. When there is excess money in the State Treasury that is not needed to meet current obligations, the Treasurer of State may invest, with the concurrence of the State Controller or the Commissioner of Administrative and Financial Services and with the consent of the Governor, those amounts in bonds, notes, certificates of indebtedness or other obligations of the United States and its agencies and instrumentalities that mature not more than 24 36 months from the date of investment or in repurchase agreements secured by obligations of the United States and its agencies and instrumentalities that mature within the succeeding 24 36 months, prime commercial paper, tax-exempt obligations and corporate bonds rated "AAA" that mature not more than 36 months from the date of investment, banker's acceptances or shares of an investment company registered under the federal Investment Company Act of 1940, whose shares are registered under the United States--Securities--Act--of--1933 marketed through so-called "no-load" money market mutual funds that maintain a constant share price, only if the investments of the investment company are limited to obligations of the United States or any agency or instrumentality, corporate or otherwise, of the United States or repurchase agreements secured by obligations of the United States or any agency or instrumentality, corporate or otherwise, of the

SUMMARY

This bill does the following.

PART A

Part A makes appropriations and allocations of funds.

PART B

Part B makes appropriations and allocations of funds representing reduction proposals or adjustments.

PART C

Part C does the following:

1. It specifies the general purpose aid for local schools actual education certification and appropriation levels for fiscal year 2003-04 as required by the Maine Revised Statutes, Title 20-A, section 15605.

2. It authorizes the State Controller to transfer \$200,000 in fiscal year 2003-04 and \$300,000 in fiscal year 2004-05 from the General Purpose Aid to Local Schools account in the Department of Education to General Fund unappropriated surplus no later than June 30, 2004 and June 30, 2005. These savings will be achieved through the standardization of specifications related to all phases of school construction and renovation. The standardization must be applied to projects that are currently under construction, projects that are in planning and projects that are entering the design phase.

3. It postpones to July 1, 2005 an increase in the State's contribution for health insurance for retired teachers from 35% to 40%.

PART D

Part D does the following.

1. It provides for the calculation and transfer of statewide savings in the General Fund in the cost of health insurance for fiscal year 2003-04 and fiscal year 2004-05 that are identified in Part B, section 1.

2. It provides for the calculation and transfer of statewide savings in the Other Special Revenue funds in the cost of health insurance for fiscal year 2003-04 and fiscal year 2004-05 that are identified in Part B, section 1.

3. It provides for the calculation and transfer of statewide savings in the Highway Fund in the cost of health insurance for fiscal year 2003-04 and fiscal year 2004-05 that are identified in Part B, section 1.

4. It provides for the calculation and transfer of statewide savings in the General Fund from increased attrition for fiscal year 2003-04 and fiscal year 2004-05 that are identified in Part B, section 1.

5. It provides for the calculation and transfer of statewide savings in the Other Special Revenue funds from increased attrition for fiscal year 2003-04 and fiscal year 2004-05 that are identified in Part B, section 1.

6. It provides for the calculation and transfer of statewide savings in the Highway Fund from increased attrition for fiscal year 2003-04 and fiscal year 2004-05 that are identified in Part B, section 1.

7. It provides for the calculation and transfer of statewide savings in the General Fund from extending the amortization schedule of the unfunded liability for fiscal year 2003-04 and fiscal year 2004-05 that are identified in Part B, section 1.

8. It provides for the calculation and transfer of statewide savings in the Other Special Revenue funds from extending the amortization schedule of the unfunded liability for fiscal year 2003-04 and fiscal year 2004-05 that are identified in Part B, section 1.

9. It provides for the calculation and transfer of statewide savings in the Highway Fund from extending the amortization schedule of the unfunded liability for fiscal year 2003-04 and fiscal year 2004-05 that are identified in Part B, section 1.

10. It provides for the calculation and transfer of statewide savings in the General Fund from postponing merit increases for fiscal year 2003-04 and fiscal year 2004-05 that are identified in Part B, section 1.

11. It provides for the calculation and transfer of statewide savings in the Other Special Revenue funds from postponing merit increases for fiscal year 2003-04 and fiscal year 2004-05 that are identified in Part B, section 1.

2 Part Q renames the Department of Economic and Community
Development as the Department of Tourism, Economic and Community
Development.

4 **PART R**

6 Part R does the following.

8 1. It eliminates the Director of Liquor Enforcement, Deputy
10 Commissioner of Public Safety and Director of the Bureau of
Highway Safety as major policy-influencing positions from the
12 Department of Public Safety.

14 2. It amends the current provision to clarify that 1/2 of
the fines and forfeitures collected should be deposited in a
16 nonlapsing Other Special Revenue Funds account of the Maine
Criminal Justice Academy for the purpose of providing funds for
18 training and recertification of part-time and full-time law
enforcement officers.

20 3. It amends the current provisions regarding the surcharge
22 imposed by the court on fines, forfeitures and penalties. It
also changes the allocation paid to the Maine Criminal Justice
24 Academy from 1/6 to 2/7.

26 4. It repeals the existing provisions regarding the Maine
Community Policing Institute Surcharge Fund.

28 5. It repeals the existing provisions that established the
30 Bureau of Highway Safety.

32 6. It changes the distribution of fees collected by the
Department of Public Safety, State Bureau of Identification. The
34 revenues generated from fees will be credited entirely to the
General Fund.

36 **PART S**

38 Part S does the following.

40 1. It transfers \$149,703 of savings from the Bureau of
42 Corporations, Elections and Commissions, Administrative Services
and Corporations, Other Special Revenue Funds account in the
44 Department of the Secretary of State to the unappropriated
surplus of the General Fund no later than June 30, 2004.

46 2. It transfers \$20,000 of savings from the Archives, Other
48 Special Revenue Funds account in the Department of the Secretary
of State to the unappropriated surplus of the General Fund no
50 later than June 30, 2004.

2 **PART T**

4 Part T amends the law as it relates to the length of time
the State Treasurer is required to hold unclaimed property,
6 formerly known as "abandoned" property. It also updates the law
to correct references to "abandoned" property and correct
8 cross-references.

10 **PART U**

12 Part U directs all state agencies to implement measures to
reduce energy consumption within their agencies.

14 **PART V**

16 Part V does the following.

18 1. It changes the distribution of the State's share of
20 real estate tax proceeds that are currently paid to the Maine
State Housing Authority.

22 2. It authorizes the Director of the Bureau of General
24 Services within the Department of Administrative and Financial
Services to sell or transfer ownership of surplus state-owned
26 land to assist the Maine State Housing Authority in the
development of affordable housing.

28 3. It expresses the intent of the Legislature for the Maine
30 State Housing Authority to achieve savings from existing
resources to maintain assistance to the homeless.

32 **PART W**

34 Part W does the following.

36 1. It delays the .1% increase in Municipal Revenue Sharing
38 to July 1, 2005.

40 2. It authorizes the State Treasurer to withhold local
42 government fund amounts from distribution to be used for
incentives for municipalities to achieve administrative savings.

44 **PART X**

46 Part X delays the increase in Seed Capital Tax Credit.

48 **PART Y**