

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2003

CHAPTER 20

H.P. 973 - L.D. 1319

**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 preamble. Whereas, Acts 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. 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.

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.

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 action necessary to ensure compliance with this section except as provided for in this section and section 6 in this Part.

An appointing authority shall comply with the Civil Service Laws, rules and regulations and collective bargaining agreements pertaining to the hiring, promoting, demoting and bumping of state employees. The Legislature shall act upon any recommendation for additional appropriations or allocations in order to fund additional requirements created by complying with this paragraph.

Except as indicated below, savings accruing from unused funding of employee benefits may not be used to increase services provided by employees. Except as indicated below, accrued salary savings generated from vacant positions within an appropriation or allocation for Personal Services may be used for the payment of nonrecurring Personal Services costs within the account where the savings exist. In the 2004-2005 biennium only, accrued savings generated from vacant positions within a General Fund account's appropriation for Personal Services may be used to offset Personal Services shortfalls in other General Fund accounts that occur as a direct result of Personal Services appropriation reductions for projected vacancies provided that the transfer of such accrued savings is subject to review by the Joint Standing Committee on Appropriations and Financial Affairs. Costs related to acting capacity appointments and emergency, unbudgeted overtime for which it is impractical to budget in advance may be used with the approval of the appointing authority. Other actions such as retroactive compensation for reclassifications or reallocations and retroactive or one-time settlements related to arbitrator or court decisions must be recommended by the department of agency head and approved by the State Budget Officer. Salary and employee benefits savings may not be used to fund recurring Personal Services actions either in the account where the savings exist or in another account.

The amounts appropriated or allocated for Personal Services include funds for the State's share of state employees' retirement. The State Controller shall transfer the State's share to the Maine State Retirement

must be repaid to the system from annual appropriations over the funding period of the retirement system.

C. This section may not be construed to require the State to appropriate and transfer funds to meet the obligations of participating local districts to the retirement system.

This subsection takes effect July 1, 2005.

PART OO

Sec. OO-1. Transition provisions. The Maine Community College System, formerly the Maine Technical College System, is hereby established. All of the duties, functions, responsibilities, mission and goals and privileges of the Maine Technical College System become the duties, functions, responsibilities, mission and goals and privileges of the Maine Community College System. The Maine Community College System, including all of its component entities, is the successor in every way to the Maine Technical College System, including all of its component entities on the effective date of this Act. These powers, duties and functions include, but are not limited to, the following.

1. The members of the Board of Trustees of the Maine Technical College System shall serve as members of the Board of Trustees of the Maine Community College System until their appointed terms expire.

2. All accrued expenditures, assets, liabilities, balances, allocations, transfers, revenues and all other available funds of the Maine Technical College System are authorized for use by the Maine Community College System.

3. All existing rules, regulations and procedures in effect, in operation or adopted in or by the Maine Technical College System or officers continue in effect until rescinded, revised or amended by the pertinent authority within the Maine Community College System.

4. All existing contracts, agreements, bonds, insurances, leases and compacts currently in effect in the Maine Technical College System continue in effect until rescinded, revised or amended by the pertinent authority within the Maine Community College System.

5. The Maine Community College System shall serve as the successor employer to, and shall assume the obligations of, the Maine Technical College System.

6. All buildings, automobiles, real property, equipment and other property previously belonging to

or allocated for the use of the Maine Technical College System become the property of the Maine Community College System.

7. The Maine Community College System succeeds the Maine Technical College System as a recipient of federal vocational funding.

8. All existing forms, licenses, letterheads, signs and similar items bearing the name of or referring to the Maine Technical College System may be utilized by the Maine Community College System until existing supplies of those items are exhausted.

Sec. OO-2. Maine Revised Statutes amended; revision clause. Wherever in the Maine Revised Statutes the words "Maine Technical College System" or "technical college system" appear or reference is made to those words, they are amended to read and mean "Maine Community College System" or "community college system," and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Sec. OO-3. Appropriations and allocations. The following appropriations and allocations are made.

**MAINE TECHNICAL COLLEGE SYSTEM,
BOARD OF TRUSTEES OF THE**

**Maine Technical College System -
Board of Trustees of the 0556**

Initiative: Appropriates funds to further the efforts towards creating a community college system in the State.

General Fund	2003-04	2004-05
All Other	\$500,000	\$500,000
General Fund Total	\$500,000	\$500,000

**Maine Technical College System -
Board of Trustees of the 0556**

Initiative: Appropriates funds to provide public matching funds to secure private grant funds for scholarship assistance or limiting in-state tuition increases.

General Fund	2003-04	2004-05
All Other	\$475,000	\$0
General Fund Total	\$475,000	\$0

**MAINE TECHNICAL COLLEGE
SYSTEM, BOARD OF TRUSTEES
OF THE
DEPARTMENT TOTALS**

	2003-04	2004-05
GENERAL FUND	\$975,000	\$500,000
DEPARTMENT TOTAL - ALL FUNDS	\$975,000	\$500,000