

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

H.P. 165 - L.D. 260

**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, 2023**

**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. Appropriations and allocations.** The following appropriations and allocations are made.

**TRANSPORTATION, DEPARTMENT OF  
Administration 0339**

Initiative: Establishes 41 positions to address project development, planning, legal, environmental, safety and human resources needs associated with the department's capital programs. Four of the positions are funded 100% Highway Fund, and the remainder are 50% Federal Expenditures Fund, 45% Highway Fund and 5% Other Special Revenue Funds. This initiative also eliminates 61.01 vacant full-time equivalent crew positions and 7 vacant positions to offset the cost of the new positions and generate additional savings to the Highway Fund. Position detail is on file with the Bureau of the Budget.

<b>HIGHWAY FUND</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>
POSITIONS - LEGISLATIVE	1.000	0.000	0.000
COUNT			
Personal Services	\$10,080	\$0	\$0
<b>HIGHWAY FUND TOTAL</b>	<b>\$10,080</b>	<b>\$0</b>	<b>\$0</b>

**Fleet Services 0347**

Initiative: Provides funding to support the operation of vehicles and equipment necessary to maintain the transportation system.

<b>FLEET SERVICES FUND - DOT</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>
All Other	\$3,600,000	\$0	\$0
<b>FLEET SERVICES FUND - DOT</b>	<b>\$3,600,000</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL</b>			

**Fleet Services 0347**

Initiative: Provides funding for increased costs of critical items, including paint, salt, culverts, guardrail parts, plow blades and vehicle parts.

<b>FLEET SERVICES FUND - DOT</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>
All Other	\$1,200,000	\$0	\$0
<b>FLEET SERVICES FUND - DOT</b>	<b>\$1,200,000</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL</b>			

**Highway and Bridge Capital 0406**

Initiative: Establishes 41 positions to address project development, planning, legal, environmental, safety and human resources needs associated with the department's capital programs. Four of the positions are funded 100% Highway Fund, and the remainder are 50% Federal Expenditures Fund, 45% Highway Fund and 5% Other Special Revenue Funds. This initiative also eliminates 61.01 vacant full-time equivalent crew positions and 7 vacant positions to offset the cost of the new positions and generate additional savings to the Highway Fund. Position detail is on file with the Bureau of the Budget.

<b>HIGHWAY FUND</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>
POSITIONS - LEGISLATIVE	35.000	0.000	0.000
COUNT			
POSITIONS - FTE COUNT	(1.000)	0.000	0.000
Personal Services	\$104,963	\$0	\$0
<b>HIGHWAY FUND TOTAL</b>	<b>\$104,963</b>	<b>\$0</b>	<b>\$0</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>
Personal Services	(\$507,831)	\$0	\$0
<b>FEDERAL EXPENDITURES FUND</b>	<b>(\$507,831)</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL</b>			

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>
Personal Services	\$636,679	\$0	\$0
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$636,679</u>	<u>\$0</u>	<u>\$0</u>

**Maintenance and Operations 0330**

Initiative: Establishes 41 positions to address project development, planning, legal, environmental, safety and human resources needs associated with the department's capital programs. Four of the positions are funded 100% Highway Fund, and the remainder are 50% Federal Expenditures Fund, 45% Highway Fund and 5% Other Special Revenue Funds. This initiative also eliminates 61.01 vacant full-time equivalent crew positions and 7 vacant positions to offset the cost of the new positions and generate additional savings to the Highway Fund. Position detail is on file with the Bureau of the Budget.

<b>HIGHWAY FUND</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>
POSITIONS - FTE COUNT	(61.010)	0.000	0.000
Personal Services	(\$1,342,658)	\$0	\$0
<b>HIGHWAY FUND TOTAL</b>	<u>(\$1,342,658)</u>	<u>\$0</u>	<u>\$0</u>

**Multimodal - Island Ferry Service Z016**

Initiative: Provides funding to support the operation of vehicles and equipment necessary to maintain the transportation system.

<b>ISLAND FERRY SERVICES FUND</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>
All Other	\$500,000	\$0	\$0
<b>ISLAND FERRY SERVICES FUND TOTAL</b>	<u>\$500,000</u>	<u>\$0</u>	<u>\$0</u>

**Multimodal - Island Ferry Service Z016**

Initiative: Establishes one Public Service Manager II position to assist with the operations of the Maine State Ferry Service.

<b>ISLAND FERRY SERVICES FUND</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>
POSITIONS - LEGISLATIVE COUNT	1.000	0.000	0.000
Personal Services	\$30,675	\$0	\$0
<b>ISLAND FERRY SERVICES FUND TOTAL</b>	<u>\$30,675</u>	<u>\$0</u>	<u>\$0</u>

**Multimodal Transportation Fund Z017**

Initiative: Adjusts funding to bring allocations in line with projected available resources for fiscal year 2022-23.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>
All Other	\$243,564	\$0	\$0
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$243,564</b>	<b>\$0</b>	<b>\$0</b>

<b>TRANSPORTATION, DEPARTMENT OF DEPARTMENT TOTALS</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>
<b>HIGHWAY FUND</b>	<b>(\$1,227,615)</b>	<b>\$0</b>	<b>\$0</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>(\$507,831)</b>	<b>\$0</b>	<b>\$0</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$880,243</b>	<b>\$0</b>	<b>\$0</b>
<b>FLEET SERVICES FUND - DOT</b>	<b>\$4,800,000</b>	<b>\$0</b>	<b>\$0</b>
<b>ISLAND FERRY SERVICES FUND</b>	<b>\$530,675</b>	<b>\$0</b>	<b>\$0</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$4,475,472</b>	<b>\$0</b>	<b>\$0</b>

**PART B**

**Sec. B-1. Carrying provision; Department of Secretary of State, Administration - Motor Vehicles program.** Notwithstanding any provision of law to the contrary, the State Controller shall carry forward any unexpended balances in the Personal Services and All Other line categories in the Department of the Secretary of State, Administration - Motor Vehicles program, after all financial commitments for obligations and budgetary adjustments have been made, at the end of fiscal year 2022-23 and at the end of fiscal year 2023-24 to the next fiscal year to the All Other line category in the Department of the Secretary of State, Administration - Motor Vehicles program, of which up to \$2,000,000 is to be used for the Bureau of Motor Vehicles modernization project and up to \$7,000,000 is to be used for the new license plate general issue project.

**PART C**

**Sec. C-1. 23 MRSA §4206, sub-§1, ¶O,** as amended by PL 2021, c. 66, §2, is further amended to read:

O. To bring before the joint standing committee of the Legislature having jurisdiction over transportation matters for review and approval any proposal that would alter the current land use, ownership or jurisdiction of lands owned by the State within the Port of Searsport presently under the jurisdiction of the department; ~~and~~

**Sec. C-2. 23 MRSA §4206, sub-§1, ¶P,** as enacted by PL 2021, c. 66, §3, is amended to read:

P. To enter into agreements and cooperate with the United States Department of Transportation or any other appropriate federal agency as provided in 23 United States Code, Sections 325 to 327 and as authorized under the federal Moving Ahead for Progress in the 21st Century Act, the federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and the federal National Environmental Policy Act of 1969. Pursuant to such an agreement, the commissioner may assume certain responsibilities of the Secretary of the United States Department of Transportation and take any other actions as required by any such agreement or by such federal laws.

(1) The commissioner may adopt any rules necessary to implement an agreement pursuant to this paragraph and carry out any duties imposed under such an agreement. Rules adopted pursuant to this subparagraph are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

(2) The commissioner may make expenditures of money in connection with an agreement authorized under this paragraph from any funds of the department that are available to the commissioner.

(3) Notwithstanding Title 14, chapter 741, sovereign immunity from civil suit in federal court is waived consistent with 23 United States Code, Sections 326 and 327 and limited to the compliance, discharge or enforcement of a responsibility assumed by the department under this paragraph. This subparagraph applies only to actions that are authorized under this paragraph and does not create liability that exceeds the liability created under 23 United States Code, Sections 325 to 327; and

**Sec. C-3. 23 MRSA §4206, sub-§1, ¶Q** is enacted to read:

Q. To implement a program to enhance the skills of the department's transportation workers and ferry service workers. The program must provide that employees in these classifications who participate in training and who demonstrate they have achieved competencies prescribed by the commissioner may progress immediately to the next level in these classification series.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.