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An Act To Dedicate Surplus Transportation Funds to Highway Maintenance and Paving

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:

Sec. 1. 23 MRSA §1654, as amended by PL 1985, c. 737, Pt. B, §21, is repealed and the following enacted in its place:

§ 1654. Transfers from unallocated Highway Fund surplus

At the close of each fiscal year, the State Controller shall transfer to the Department of Transportation Highway and Bridge Light Capital program for maintenance paving the uncommitted balance in the Highway Fund unallocated surplus account. The amount transferred to this program, when added to previous allocations to the program for the fiscal year in which the uncommitted balance is transferred, may not exceed an amount necessary to perform maintenance paving at a rate of 600 miles per year as calculated by the Department of Transportation and reported to the State Controller. Any excess transfers to the Highway and Bridge Light Capital program must be transferred to the Department of Transportation Highway and Bridge Capital and Maintenance and Operations programs for capital needs. The Commissioner of Transportation may allot these funds by financial order upon the recommendation of the State Budget Officer and the approval of the Governor. The transferred amounts are considered adjustments to allocations. Within 30 days after approval of the financial order, the Commissioner of Transportation shall provide to the joint standing committee of the Legislature having jurisdiction over transportation matters a report detailing the financial status of the department's capital programs.

For the purposes of this section, "uncommitted balance in the Highway Fund unallocated surplus account" or "uncommitted balance" means the amount remaining in the account at the close of the fiscal year after the deduction of all allocations, budgeted financial commitments and adjustments considered necessary by the State Controller.

The State Controller shall include in the State Controller's official annual financial report at the close of each fiscal year a statement showing all transfers made from the Highway Fund unallocated surplus account for the fiscal period.

Sec. 2. PL 2009, c. 413, Pt. G is repealed.

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

TRANSPORTATION, DEPARTMENT OF

Highway and Bridge Capital 0406

Initiative: Transfers the adjustment to allocation resulting from the transfer of the fiscal year 2008-09 uncommitted surplus in excess of \$500,000 from the Highway and Bridge Capital program to the Highway and Bridge Light Capital program to be used to support maintenance paving.

HIGHWAY FUND	2009-10	2010-11
Capital Expenditures	(\$142,259)	\$0
HIGHWAY FUND TOTAL	(\$142,259)	\$0

Highway and Bridge Light Capital Z095

Initiative: Transfers the adjustment to allocation resulting from the transfer of the fiscal year 2008-09 uncommitted surplus in excess of \$500,000 from the Highway and Bridge Capital program to the Highway and Bridge Light Capital program to be used to support maintenance paving.

HIGHWAY FUND	2009-10	2010-11
Capital Expenditures	\$142,259	\$0
HIGHWAY FUND TOTAL	\$142,259	\$0

TRANSPORTATION, DEPARTMENT OF		
DEPARTMENT TOTALS	2009-10	2010-11
HIGHWAY FUND	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0

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

SUMMARY

This bill requires the transfer of the uncommitted balance in the Highway Fund unallocated surplus account to the Department of Transportation Highway and Bridge Light Capital program for maintenance

paving. The amount transferred to this program, when added to previous allocations to the program for the fiscal year, may not exceed an amount necessary to perform maintenance paving at a rate of 600 miles per year as calculated by the Department of Transportation and reported to the State Controller. Any remaining uncommitted balance must be transferred to the Department of Transportation Highway and Bridge Capital and Maintenance and Operations programs for capital needs.

This bill also includes a one-time Highway Fund deallocation of \$142,259 to the Department of Transportation Highway and Bridge Capital program and a corresponding one-time Highway Fund allocation to the Department of Transportation Highway and Bridge Light Capital program, to transfer the adjustment to allocation resulting from the uncommitted balance in the Highway Fund unallocated surplus account at the end of fiscal year 2008-09.