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Date: (Filing No. H-)

TRANSPORTATION

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to 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 ”

Amend the bill by inserting after the title and before the enacting clause the following:

'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,'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'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

COMMITTEE AMENDMENT

1 Funds. This initiative also eliminates 61.01 vacant full-time equivalent crew positions and
 2 7 vacant positions to offset the cost of the new positions and generate additional savings to
 3 the Highway Fund. Position detail is on file with the Bureau of the Budget.

4	HIGHWAY FUND	2022-23	2023-24	2024-25
5	POSITIONS - LEGISLATIVE	1.000	0.000	0.000
6	COUNT			
7	Personal Services	\$10,080	\$0	\$0
8				
9	HIGHWAY FUND TOTAL	<u>\$10,080</u>	<u>\$0</u>	<u>\$0</u>

10 **Fleet Services 0347**

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

13	FLEET SERVICES FUND - DOT	2022-23	2023-24	2024-25
14	All Other	\$3,600,000	\$0	\$0
15				
16	FLEET SERVICES FUND - DOT	<u>\$3,600,000</u>	<u>\$0</u>	<u>\$0</u>
17	TOTAL			

18 **Fleet Services 0347**

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

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

26 **Highway and Bridge Capital 0406**

27 Initiative: Establishes 41 positions to address project development, planning, legal,
 28 environmental, safety and human resources needs associated with the department's capital
 29 programs. Four of the positions are funded 100% Highway Fund, and the remainder are
 30 50% Federal Expenditures Fund, 45% Highway Fund and 5% Other Special Revenue
 31 Funds. This initiative also eliminates 61.01 vacant full-time equivalent crew positions and
 32 7 vacant positions to offset the cost of the new positions and generate additional savings to
 33 the Highway Fund. Position detail is on file with the Bureau of the Budget.

34	HIGHWAY FUND	2022-23	2023-24	2024-25
35	POSITIONS - LEGISLATIVE	35.000	0.000	0.000
36	COUNT			
37	POSITIONS - FTE COUNT	(1.000)	0.000	0.000
38	Personal Services	\$104,963	\$0	\$0
39				
40	HIGHWAY FUND TOTAL	<u>\$104,963</u>	<u>\$0</u>	<u>\$0</u>

41

42	FEDERAL EXPENDITURES FUND	2022-23	2023-24	2024-25
43	Personal Services	(\$507,831)	\$0	\$0

1				
2	FEDERAL EXPENDITURES FUND	(\$507,831)	\$0	\$0
3	TOTAL			
4				
5	OTHER SPECIAL REVENUE	2022-23	2023-24	2024-25
6	FUNDS			
7	Personal Services	\$636,679	\$0	\$0
8				
9	OTHER SPECIAL REVENUE FUNDS	\$636,679	\$0	\$0
10	TOTAL			
11	Maintenance and Operations 0330			
12	Initiative: Establishes 41 positions to address project development, planning, legal,			
13	environmental, safety and human resources needs associated with the department's capital			
14	programs. Four of the positions are funded 100% Highway Fund, and the remainder are			
15	50% Federal Expenditures Fund, 45% Highway Fund and 5% Other Special Revenue			
16	Funds. This initiative also eliminates 61.01 vacant full-time equivalent crew positions and			
17	7 vacant positions to offset the cost of the new positions and generate additional savings to			
18	the Highway Fund. Position detail is on file with the Bureau of the Budget.			
19	HIGHWAY FUND	2022-23	2023-24	2024-25
20	POSITIONS - FTE COUNT	(61.010)	0.000	0.000
21	Personal Services	(\$1,342,658)	\$0	\$0
22				
23	HIGHWAY FUND TOTAL	(\$1,342,658)	\$0	\$0
24	Multimodal - Island Ferry Service Z016			
25	Initiative: Provides funding to support the operation of vehicles and equipment necessary			
26	to maintain the transportation system.			
27	ISLAND FERRY SERVICES FUND	2022-23	2023-24	2024-25
28	All Other	\$500,000	\$0	\$0
29				
30	ISLAND FERRY SERVICES FUND	\$500,000	\$0	\$0
31	TOTAL			
32	Multimodal - Island Ferry Service Z016			
33	Initiative: Establishes one Public Service Manager II position to assist with the operations			
34	of the Maine State Ferry Service.			
35	ISLAND FERRY SERVICES FUND	2022-23	2023-24	2024-25
36	POSITIONS - LEGISLATIVE	1.000	0.000	0.000
37	COUNT			
38	Personal Services	\$30,675	\$0	\$0
39				
40	ISLAND FERRY SERVICES FUND	\$30,675	\$0	\$0
41	TOTAL			
42	Multimodal Transportation Fund Z017			

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

3 OTHER SPECIAL REVENUE	2022-23	2023-24	2024-25
4 FUNDS			
5 All Other	\$243,564	\$0	\$0
6			
7 OTHER SPECIAL REVENUE FUNDS	\$243,564	\$0	\$0
8 TOTAL			

10 TRANSPORTATION, 11 DEPARTMENT OF 12 DEPARTMENT TOTALS	2022-23	2023-24	2024-25
13			
14 HIGHWAY FUND	(\$1,227,615)	\$0	\$0
15 FEDERAL EXPENDITURES	(\$507,831)	\$0	\$0
16 FUND			
17 OTHER SPECIAL REVENUE	\$880,243	\$0	\$0
18 FUNDS			
19 FLEET SERVICES FUND - DOT	\$4,800,000	\$0	\$0
20 ISLAND FERRY SERVICES	\$530,675	\$0	\$0
21 FUND			
22			
23 DEPARTMENT TOTAL - ALL	\$4,475,472	\$0	\$0
24 FUNDS			

25 **PART B**

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

36 **PART C**

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

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

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

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

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

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

19 (3) Notwithstanding Title 14, chapter 741, sovereign immunity from civil suit in
20 federal court is waived consistent with 23 United States Code, Sections 326 and
21 327 and limited to the compliance, discharge or enforcement of a responsibility
22 assumed by the department under this paragraph. This subparagraph applies only
23 to actions that are authorized under this paragraph and does not create liability that
24 exceeds the liability created under 23 United States Code, Sections 325 to 327;
25 and

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

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

32 Amend the bill by adding before the summary the following:

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

35 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
36 number to read consecutively.

37 SUMMARY

38 This amendment replaces the bill, which is a concept draft.

39 Part A makes allocations.

40 Part B requires the State Controller to carry forward any unexpended balances in the
41 Personal Services and All Other line categories in the Department of the Secretary of State,

1 Administration - Motor Vehicles program, after all financial commitments for obligations
2 and budgetary adjustments have been made, at the end of fiscal year 2022-23 and at the
3 end of fiscal year 2023-24 to the next fiscal year to the All Other line category in the
4 Department of the Secretary of State, Administration - Motor Vehicles program, of which
5 up to \$2,000,000 is to be used for the Bureau of Motor Vehicles modernization project and
6 up to \$7,000,000 is to be used for the new license plate general issue project.

7 Part C authorizes the Commissioner of Transportation to implement a program to
8 develop the expertise of transportation workers and ferry service workers. The program
9 must provide that upon successful completion of the program and demonstration of
10 prescribed competencies, employees in these classifications may immediately progress to
11 the next level in the respective classification series.

12 **FISCAL NOTE REQUIRED**

13 **(See attached)**