

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway 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, 2019, June 30, 2020 and June 30, 2021

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. In order to provide for the necessary expenditures of State Government and other purposes for the fiscal years ending June 30, 2020 and June 30, 2021, the following sums as designated in the following tabulations are appropriated or allocated out of money not otherwise appropriated or allocated.

PART B

Sec. B-1. Attrition savings. Notwithstanding any other provision of law to the contrary, the attrition rate for the 2020-2021 biennium is increased from 1.6% to 5% for judicial branch and executive branch departments and agencies only. The attrition rate for subsequent biennia is 1.6%.

Sec. B-2. Calculation and transfer. Notwithstanding any other provision of law to the contrary, the State Budget Officer shall calculate the amount of savings in this Part that applies against each Highway Fund account for all departments and agencies from savings associated with attrition in fiscal year 2019-20 and fiscal year 2020-21 and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 2019-20 and fiscal year 2020-21. The State Budget Officer shall provide a report of the transferred amounts to the Joint Standing Committee on Appropriations and Financial Affairs no later than October 1, 2019.

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

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF
Executive Branch Departments and Independent Agencies - Statewide 0017**

Initiative: Reduces funding to reflect projected savings from an increase in the attrition rate from 1.6% to 5% for fiscal years 2019-20 and 2020-21.

HIGHWAY FUND	2019-20	2020-21
Personal Services	(\$4,029,998)	(\$4,254,648)
HIGHWAY FUND TOTAL	(\$4,029,998)	(\$4,254,648)

**PART B
SUMMARY**

This Part sets the attrition rate for the 2020-2021 biennium from 1.6% to 5% for judicial branch and executive branch departments and agencies.

PART C

Sec. C-1. Carrying provision; Department of Secretary of State, Administration - Motor Vehicles program. Notwithstanding any other 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 salary, benefits, other obligations and budgetary adjustments have been made, at the end of fiscal year 2018-19 to the All Other line category for the 2019-20 fiscal year; and, at the end of fiscal year 2019-20 to the All Other line category for the 2020-21 fiscal year in the Department of Secretary of State, Administration - Motor Vehicles program to be used for the procurement and implementation of an automated driver license testing system for written and road skills tests that must meet conditions prescribed in the Federal Motor Carrier Safety Administration (FMCSA) rules for commercial license examinations.

SUMMARY PART C

This Part authorizes the State Controller to 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 salary, benefits, other obligations and budgetary adjustments have been made, at the end of fiscal year 2018-19 to fiscal year 2019-20, and at the end of fiscal year 2019-20 to fiscal year 2020-21, to the All Other line category, in the Department of Secretary of State, Administration - Motor Vehicles program to be used for the procurement and implementation of an automated driver license testing system.

PART D

Sec. D-1. 23 MRSA §4210-B, sub-§3 as amended by PL 2011, c. 649, Pt. E, §2 is further amended to read:

3. Use of funds. The money deposited into and disbursed from the Multimodal Transportation Fund must be used for the purposes of purchasing, operating, maintaining, improving, repairing, constructing and managing the assets of multimodal forms of transportation, including, but not limited to, transit, aeronautics, marine and rail, of the State, municipalities and multimodal providers. The Commissioner of Transportation may use the funds to make loans to counties and municipalities, state agencies and quasi-state government agencies for multimodal forms of transportation upon such terms as the Commissioner shall determine, including secured and unsecured loans and take such actions as are appropriate to protect the security and safeguard against losses, including foreclosure and the bidding upon and purchase of property upon foreclosure or other sale.

PART D SUMMARY

This part allows the Commissioner of Transportation to use funds in the Multimodal Transportation Fund to make loans to counties and municipalities, state agencies and quasi-state government agencies for multimodal forms of transportation.

PART E

Sec. E-1. Programmed GARVEE bonding level for the 2020-2021 biennium.
Notwithstanding any other provision of law and pursuant to the Maine Revised Statutes, Title 23, chapter 19, subchapter 3-A, the Maine Municipal Bond Bank may issue from time to time up to \$75,000,000 of GARVEE bonds for highway and bridge needs statewide to be repaid solely from annual federal transportation appropriations for funding for qualified transportation projects.

PART E SUMMARY

This Part allows the Maine Municipal Bond Bank to issue up to \$75,000,000 of GARVEE bonds for highway and bridge needs.

PART F

Sec. F-1. Transfer of Highway Fund unallocated balance; capital program needs; Department of Transportation. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, at the close of the fiscal years 2019-20 and 2020-21, the State Controller shall transfer amounts exceeding \$100,000 from the unallocated balance in the Highway Fund after the deduction of all allocations, financial commitments, other designated funds or any other transfer authorized by statute and the fiscal year 2019-20 unallocated balance dedicated to the fiscal year 2020-21 budgets to the Department of Transportation Highway and Bridge Capital, Highway and Bridge Light Capital and Maintenance and Operations programs for capital or all other needs. The Commissioner of the Department of Transportation is authorized to 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 of approval of the financial order, the Commissioner of the Department of Transportation shall provide to the members of the joint standing committee of the Legislature having jurisdiction over transportation matters a report detailing the financial status of the department's capital program.

PART F SUMMARY

This Part requires the State Controller to transfer amounts exceeding \$100,000 from the unallocated balance in the Highway Fund after all commitments to the Highway and Bridge Capital, Highway Light Capital and Maintenance and Operations programs within the Department of Transportation for capital needs.

PART G

Sec. G-1. Transfer authorized. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, for the fiscal years ending June 30, 2020 and June 30, 2021 the Commissioner of the Department of Transportation is authorized to transfer, by financial order upon the recommendation of the State Budget Officer and approval of the Governor, identified Highway Fund Personal Services savings to the Department of Transportation, Highway and Bridge Capital, Highway and Bridge Light Capital and Maintenance and Operations programs for Capital or All Other needs. The financial order must identify the specific savings after all adjustments that may be required by the State Controller to ensure that all financial commitments have been met in Personal Services after assuming all costs for that program including collective bargaining costs. The Commissioner of the Department of Transportation shall provide a report by September 15, 2020 and September 15, 2021 to the members of the joint standing committee of the Legislature having jurisdiction over transportation matters detailing the financial adjustments to the Highway Fund.

PART G SUMMARY

This Part authorizes the Commissioner of the Department of Transportation to transfer Highway Fund Personal Services balances available at the end fiscal years 2019-20 and 2020-21 to the Department of Transportation, Highway and Bridge Capital, Highway Light Capital and Maintenance and Operations programs for Capital or All Other needs. The funds may be allocated by financial order upon the recommendation of the State Budget Officer and the approval of the Governor.

PART H

Sec. H-1. Transfer of funds; Highway Fund; TransCap. Notwithstanding any other provision of law, the State Controller shall transfer \$6,345,967 in fiscal year 2019-20 and \$6,404,253 in fiscal year 2020-21 from the Highway Fund unallocated surplus to the TransCap Trust Fund established in the Maine Revised Statutes, Title 30-A, section 6006-G.

PART H SUMMARY

This Part requires the State Controller to transfer \$6,345,967 in fiscal year 2019-20 and \$6,404,253 in fiscal year 2020-21 from the unallocated surplus of the Highway Fund to the TransCap Trust Fund.

PART I

Sec. I-1. Transfers of nonbond funds; capital project expenditures: 5-year useful life. Notwithstanding the Maine Revised Statutes, Title 23, section 1604, subsection 3 or any other provision of law, transfers of nonbond funds from the TransCap Trust Fund may be used for capital projects having an estimated useful life of 5 years or more.

PART I SUMMARY

This Part allows TransCap Trust Fund nonbond funds to be used for capital projects with an anticipated useful life of 5 years or more.

PART J

Sec. J-1. 23 MRSA §4210-C, sub-§3 as amended by PL 2011, c. 652, §10 is repealed.

**PART J
SUMMARY**

This Part repeals the section of law that allows the Marine Highway account to be excluded from the Local Road Assistance calculation.