

MAINE STATE LEGISLATURE

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BUDGET BILL - FISCAL YEARS 1992-93



115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2185

H.P. 1547

House of Representatives, January 17, 1992

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

Handwritten signature of Edwin H. Pert.

EDWIN H. PERT, Clerk

Presented by Representative FOSS of Yarmouth. (GOVERNOR'S BILL)

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-TWO

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years ending June 30, 1992 and June 30, 1993 and to Change Certain Provisions of the Laws.

(EMERGENCY)

Emergency preamble. Whereas, Acts of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as
emergencies; and

4
Whereas, the 90-day period may not terminate until after the
6 beginning of the next fiscal year; and

8
Whereas, certain obligations and expenses will become due and
payable prior to July 1, 1992; and

10
Whereas, in the judgment of the Legislature, these facts create
12 an emergency within the meaning of the Constitution of Maine and
require the following legislation as immediately necessary for the
14 preservation of the public peace, health and safety; now, therefore,

16 Be it enacted by the People of the State of Maine as follows:

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2 **Sec. Y-116. 14 MRSA §8109, sub-§1**, as amended by PL 1987, c.
402, Pt. A, §§104 and 105, is further amended to read:

4 1. **Procedures for State.** The State shall--have has
6 authority to settle claims filed against it pursuant to section
8104 in accordance with the following procedures.

8 A. Any agency may settle any claim for an amount of \$1,500
10 or less when such settlement is approved by the appropriate
12 department or agency head in accordance with regulations
promulgated rules adopted by the Commissioner of
Administration Administrative and Financial Services.

14 B. Any other claim may be settled when such settlement is
16 approved by the head of the department or agency against
18 which the claim is filed, the Commissioner of Administration
Administrative and Financial Services and the Attorney
General.

20 **Sec. Y-117. 14 MRSA §8115, sub-§1**, as amended by PL 1987, c.
402, Pt. A, §106, is further amended to read:

22 1. **Payment from next appropriation.** In the event no
24 insurance has been procured by the State to pay a claim or
26 judgment arising under this chapter, and no appropriated funds
are reasonably available, as determined by the Commissioner of
Administration Administrative and Financial Services, the claim
28 or judgment shall must be paid from the next appropriation to the
30 state instrumentality whose action or omission, or the action or
omission of whose employee, gave rise to the claim.

32 **Sec. Y-118. 15 MRSA §5825, sub-§2**, as enacted by PL 1987, c.
420, §2, is amended to read:

34 2. **Department of Public Safety; centralized record.** The
36 Department of Public Safety shall maintain a centralized record
of property seized, held by and ordered to the department. A
report of the disposition of property previously held by the
department and ordered by the court to any governmental entity
shall must be provided at least quarterly to the Commissioner of
Finance Administrative and Financial Services and the Office of
42 Fiscal and Program Review for review. These records shall must
include an estimate as to the fair market value of items seized.

44 **Sec. Y-119. 20-A MRSA §11054**, as amended by PL 1985, c. 785,
46 Pt. A, §91, is further amended to read:

48 **§11054. Duties of board**

2 The board on the part of the State shall obtain accurate
4 accounts of all the board's receipts and disbursements and shall
6 report to the Governor and the Commissioner of Finance
Administrative and Financial Services annually on or before the
8 15th day of September, setting forth in such detail as the
10 commissioner may require the transactions of the board for the
fiscal year ending on the preceding June 30th. They shall
include in such report recommendations for any legislation as may
be necessary or desirable to carry out the intent and purposes of
the New England Higher Education Compact among the states joining.

12 **Sec. Y-120. 20-A MRSA §13451, sub-§4**, as enacted by PL 1989,
14 c. 878, Pt. A, §46, is amended to read:

16 4. **Master policy certificates.** The insurance company or
18 companies or nonprofit organizations, or both, shall furnish the
usual master policy and certificates. The original master policy
and certificate shall must be held by the organization offering
the insurance plan and the Commissioner of Administration
Administrative and Financial Services shall hold a certified
20 copy. Each insured retired teacher-member shall must receive a
22 certificate setting forth the benefits to which entitled, to whom
payable, to whom claims shall must be submitted and summarizing
24 the provisions of the policy principally affecting the retired
teacher-member.

26 **Sec. Y-121. 23 MRSA §152, 5th ¶**, as repealed and replaced by
28 PL 1987, c. 769, Pt. A, §81, is amended to read:

30 The commission shall must maintain an office in Kennebec
32 County. The Commissioner of Finance Administrative and Financial
Services shall appoint, subject to the Civil Service Law, a clerk
of the commission to keep its records and to perform such other
34 duties as the commission shall ~~prescribe~~ prescribes. The clerk
shall ~~have~~ has authority to certify to all official acts of the
36 commission, administer oaths, issue subpoenas, and issue all
processes, notices, orders or other documents necessary to the
38 performance of the duties of the commission.

40 **Sec. Y-122. 23 MRSA §152, 6th ¶**, as repealed and replaced by
42 PL 1987, c. 769, Pt. A, §82, is amended to read:

44 The Commissioner of Finance Administrative and Financial
Services shall appoint and fix the compensation of a reporter to
46 the commission, and shall review and approve all charges made by
such reporter for transcripts of the record of hearings before
the commission. The commissioner may appoint, subject to the
48 Civil Service Law, such clerical assistants for the commissioner
as he ~~deems~~ the commissioner considers necessary.

2 Part V suspends the award of merit increases between April
1, 1992 and June 30, 1993 that are due employees of the State,
4 the Legislature, the Judicial Department, independent agencies,
the University of Maine System, the Maine Technical College
6 System and the Maine Maritime Academy.

8 PART W

10 Part W increases the employee contribution to the Maine
State Retirement System by 1%.

12 Part W provides that the employee contributions in excess of
14 the actuarially determined requirement of the Maine State
Retirement System must lapse to the General Fund by June 30, 1993.

16 Part W provides that future calculations by the Maine State
18 Retirement System of the employee contribution percentage reflect
the increased employee contribution of 1%.

20 PART X

22 Part X provides for reduced payments in fiscal year 1992-93
24 to the Maine State Retirement System to reflect the surplus in
the State Retiree Health Insurance Fund and the State Retired
26 Teachers' Health Fund. The amount of the reduced payments must
lapse to the General Fund by June 30, 1993.

28 PART Y

30 Part Y consolidates the Department of Finance and the
32 Department of Administration into a new Department of
Administrative and Financial Services.

34 PART Z

36 Part Z transfers funds from the Maine Health Care Finance
38 Commission Other Special Revenue account to General Fund
Undedicated Revenue on or before June 30, 1992.

40 Part Z repeals a portion of the laws that authorizes the
42 Maine Health Care Finance Commission.

44 PART AA

46 Part AA establishes the Maine Transportation Authority. The
Maine Transportation Authority is authorized to reduce the costs
48 currently provided by the Maine Turnpike Authority. Implementing
legislation must be submitted to the Legislature by March 1,
50 1992. The Department of Transportation must transfer \$5,000,000
of the operating surplus funds from the Maine Turnpike Authority
52 to the General Fund no later than June 30, 1993.