

# MAINE STATE LEGISLATURE

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L.D. 283

(Filing No. H-677)

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
116TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 215, L.D. 283, Bill, "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General 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, 1994 and June 30, 1995"

Amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

**Emergency preamble.** Whereas, Acts 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,

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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 necessary expenditures of State Government and other purposes for the fiscal years ending June 30, 1994 and June 30, 1995, the following sums as designated in the following tabulations are appropriated or allocated out of any money not otherwise appropriated or allocated.

**Sec. A-2. Allotments required.** Upon receipt of allotments duly approved by the Governor based upon work programs submitted to the State Budget Officer, the State Controller shall authorize expenditures of these funds, together with expenditures for other purposes necessary to the conduct of State Government on the basis of these allotments and not otherwise. Allotments for Personal Services, Capital Expenditures and amounts for All Other departmental expenses may not exceed the amounts shown in the budget document or as they may be revised by the joint standing committee of the Legislature having jurisdiction over these appropriations and allocations, unless recommended by the State Budget Officer and approved by the Governor in accordance with established law.

**Sec. A-3. Personal Services funding.** The amounts provided for Personal Services in appropriated and allocated accounts are subject to the provision that the total number of positions and the costs of those positions in any account may not vary, during any fiscal year, from either the positions included in computing the total dollars appropriated or allocated for Personal Services or in the specific cost of each position upon which the appropriations and allocations are based. The State Budget Officer shall take the action necessary to ensure compliance with this section except as provided for in section 6 of this Part and as follows.

An appointing authority shall comply with the Civil Service Law, rules and regulations and collective bargaining agreements pertaining to the hiring, promoting, demoting and bumping of state employees. The Legislature shall act upon any recommendation for additional appropriations or allocations in order to fund additional requirements created by complying with this paragraph.

Savings accruing from unused funding of employee benefits may not be used to increase services provided by employees. Accrued salary savings generated from vacant positions within an appropriation or allocation for Personal Services may be used for

of the employee from the State's account must be returned to the State's account. For the purpose of service and benefit accruals, the employee must be treated as if the employee had remained in state service throughout the period in question.

Sec. L-44. 14 MRSA §8102, sub-§4, as amended by PL 1989, c. 443, §21, is further amended to read:

4. State. "State" means the State of Maine or any office, department, agency, authority, commission, board, institution, hospital or other instrumentality thereof of the State, including the Maine Turnpike Authority, the Maine Port Authority, the Maine Technical College System, the Maine Veterans' Homes, the Maine State Retirement System and all such other state entities.

Sec. L-45. 26 MRSA §962, sub-§7, ¶A, as amended by PL 1991, c. 843, §4, is further amended to read:

A. Any officer, board, commission, council, committee or other persons or body acting on behalf of:

- (1) Any municipality or any subdivision of a municipality;
- (2) Any school, water, sewer or other district;
- (3) The Maine Turnpike Authority;
- (4) Any board of directors functioning as a regional intermediate education unit pursuant to Title 20-A, section 7730; or
- (5) Any county or subdivision of a county; or
- (6) The Maine State Retirement System; or

Sec. L-46. Long-term investment assumption. The Board of Trustees of the Maine State Retirement System shall direct its actuary to modify the long-term investment assumption to 8.2% for the biennium starting July 1, 1993 after which the board may direct the actuary to reset the assumption to the appropriate level.

Sec. L-47. Transition provision. The following provisions apply to the Maine State Retirement System on the effective date of this Act.

1. Funds transferred. All trust funds and invested assets of the Maine State Retirement System must be transferred to the

Maine State Retirement System in its capacity as an independent agency.

2. Rules and procedures. All rules and procedures currently in effect pertaining to the Maine State Retirement System remain in effect until rescinded or amended by the Board of Trustees of the Maine State Retirement System in its capacity as an independent agency.

3. Equipment and property transferred. All equipment and property of the Maine State Retirement System must be transferred to the Maine State Retirement System in its capacity as an independent agency.

4. Contracts and agreements. All contracts and agreements currently in effect with the Maine State Retirement System remain in effect following the effective date of this Act until rescinded, terminated or modified by the Board of Trustees of the Maine State Retirement System.

5. Personnel transferred. Classified and unclassified employees assigned to the Maine State Retirement System must be transferred from state employment to the Maine State Retirement System in its capacity as an independent agency.

Fringe benefits from state employment of the transferred personnel, including vacation and sick leave, health and life insurance and retirement, remain with the transferred personnel. The rights and benefits under current statutes, rules and collective bargaining agreements continue for all transferred personnel. If these collective bargaining agreements expire, or have expired on the effective date of this Act, the status, rights and benefits of covered employees must be maintained according to applicable labor law principles. All personnel transferred from state employment to the Maine State Retirement System as an independent agency retain all applicable seniority rights and privileges and all other rights and privileges with regard to employment in state service for a period of 2 years from the effective date of this Act. During this 2-year period, the recall provisions of these applicable laws, rules and collective bargaining agreements continue to apply for all state employees with layoff status to the filling of any vacancy in the Maine State Retirement System. State employees who refuse recall to the Maine State Retirement System retain full recall rights to all other agencies of State Government.

After the end of the 2-year period, the state employees transferred to the Maine State Retirement System pursuant to this section have the same rights and privileges as Maine State Retirement System employees hired on and after the effective date

R.O.S.

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2	Conservation	476,024	476,024	952,048
	Corrections	(75,920)	(75,920)	(151,840)
4	Corrections	457,459	457,459	914,918
	Environmental Protection	(30,000)	(30,000)	(60,000)
6	Legislature	(60,000)	(60,000)	(120,000)
	Mental Health and Mental Retardation	(2,000,000)	(4,600,000)	(6,600,000)
8	Mental Health and Mental Retardation	1,300,000		1,300,000
10	Secretary of State	17,000		17,000
12	Section B-4	58,870	57,704	116,574
	Section B-5	1,520,424	1,302,102	2,822,526
14	Section B-6	992,450	2,376,154	3,368,604
16	PART C			
	Section C-5	1,717,028	1,977,220	3,694,248
18	PART H			
20	Section H-2	750,000	750,000	1,500,000
22	PART K			
	Section K-3	22,000	22,000	44,000
24	Section K-4	79,700	79,700	159,400
	Section K-5	340,000	340,000	680,000
26	Section K-6	(850,000)	(850,000)	(1,700,000)
28	PART M	415,975	415,975	831,950
30	PART P			
	Section P-5	100,000		100,000
32	Section P-6	719,000		719,000
	Section P-7	200,000	2,500,000	2,700,000
34	PART S			
36	Section S-3	18,000	18,000	36,000
	Section S-4	16,750	16,750	33,500
38	PART T			
40	Section T-3	75,000	100,000	175,000
42	PART U			
	Section U-1	70,000	70,000	140,000
44	PART KK			
46	Section KK-1	384,869	769,739	1,154,608
48	PART OO			
	Section OO-1	6,436,000	193,000	6,629,000
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	PART YY			
2	Section YY-1	17,819,249	16,532,028	34,351,277
4	PART ZZ			
	Section ZZ-6	300,000	300,000	600,000
6	Section ZZ-17	275,715	275,715	551,430
	Section ZZ-25	427,514	427,267	854,781
8	PART HHH			
10	Section HHH-1	575,968		575,968
12	PART LLL			
	Section LLL-5	76,800,000	88,100,000	164,900,000
14	PART VVV			
16	Section VVV-1	286,000		286,000
18	GENERAL FUND UNDEDICATED REVENUE, TOTAL	\$1,575,005,938	\$1,625,077,486	\$3,200,083,424

STATEMENT OF FACT

24 This amendment makes both substantive and technical changes to the original bill.

Reported by the Majority of the Committee on Appropriations and Financial Affairs.  
Reproduced and distributed under the direction of the Clerk of the House (6/28/93) (Filing No. H-677)

COMMITTEE AMENDMENT