COMMITTEE AMENDMENT "B" to H.P. 215, L.D. 283

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...
one Librarian I position and related funding.

DEPARTMENT OF EDUCATION
TOTAL
($813,650) ($808,382)
TOTAL APPROPRIATIONS
($540,536) ($542,203)

PART MM

Sec. MM-1. 23 MRSA §1963, as enacted by PL 1981, c. 595, §3, is amended to read:

§1963. Maine Turnpike Authority

In order to carry out the purposes of this chapter, the Maine Turnpike Authority, created by Private and Special Law 1941, chapter 60, shall continue in existence with the powers and duties prescribed by this chapter until such time as the Legislature shall provide for its termination and all outstanding indebtedness of the authority shall be repaid, or an amount sufficient to repay that indebtedness shall be set aside in trust. The authority shall continue to operate and maintain the turnpike from a point at or near Kittery in York County to a point at or near Augusta in Kennebec County, together with connecting tunnels, bridges, overpasses, underpasses, toll facilities, and all property held in the name of the authority, for the purposes of this chapter, together with connecting tunnels, bridges, overpasses, underpasses, toll facilities, and all property held in the name of the authority, for the purposes of this chapter, together with connecting tunnels, bridges, overpasses, underpasses, toll facilities, and all property held in the name of the authority, for the purposes of this chapter.

Sec. MM-2. 23 MRSA §1964, sub-§5-A is enacted to read:

5-A. Intermodal transportation facility. "Intermodal transportation facility" means any facility, including but not limited to any rail or bus depot or station, taxi stand, loading platform, parking lot and any related building or appurtenance, located or adjacent to the turnpike in the immediate vicinity of any turnpike interchange, that is designed to serve the needs of users of 2 or more modes of transportation including the turnpike and that the authority determines necessary or convenient to meet the needs of users of the turnpike.

Sec. MM-3. 23 MRSA §1964, sub-§9, as enacted by PL 1981, c. 595, §3, is amended to read:

9. Turnpike. "Turnpike" means the roadway constructed between Kittery in York County and Augusta in Kennebec County pursuant to Private and Special Law 1941, chapter 60, sections 1 to 20, as amended, together with any expansion or extension of that roadway that is authorized by law, and is deemed to include not only the roadway and all rights-of-way, bridges, tunnels, overpasses, underpasses and interchanges either upon the roadway or connected to or connected therewith with the roadway as expanded or extended, but also all buildings, toll facilities and other equipment, median barriers, shoulders, embankments, property rights, easements, leases and franchises relating thereto. The authority shall provide the roadway and such rights-of-way, bridges, tunnels, overpasses, underpasses and interchanges and deemed necessary or convenient for the construction, reconstruction, operation or maintenance of the turnpike.

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rights-of-way, bridges, tunnels, overpasses, underpasses and interchanges either upon the roadway or connected to or connected therewith with the roadway as expanded or extended, but also all buildings, toll facilities and other equipment, median barriers, shoulders, embankments, property rights, easements, leases and franchises relating thereto. The authority shall provide the roadway and such rights-of-way, bridges, tunnels, overpasses, underpasses and interchanges and deemed necessary or convenient for the construction, reconstruction, operation or maintenance of the turnpike.

Sec. MM-4. 23 MRSA §1965, sub-§1, as corrected by RR 1991, c. 2, §90, is amended to read:

D. Construct, maintain, reconstruct and operate a toll turnpike from a point at or near Kittery in York County to a point at or near Augusta in Kennebec County, except that the traveled way may not be widened or expanded without the express approval of the Legislature.

A license, permit, or approval necessary for the widening or expansion of the turnpike may not be issued by any state agency unless that agency makes an affirmative finding that the widening or expansion is consistent with state transportation policy as well as rules implementing that policy.

Sec. MM-5. 23 MRSA §1965, sub-§1, as amended by PL 1987, c. 427, §1, is repealed.

Sec. MM-6. 23 MRSA §1967, sub-§1, as amended by PL 1989, c. 145, is further amended to read:

1. Property of the authority. All property of the authority and all property held in the name of the State pursuant to the provisions of this chapter shall be in exempt from levy and sale by virtue of any execution, and no execution or other judicial process may be issued upon its property held pursuant to the provisions of this chapter, provided that the authority shall lease or otherwise convey, or allow to be used, any of its real or personal property or easements therein in that property, franchises, buildings or structures, with access to any part of the turnpike or its approaches, for commercial purposes, with the exception of such intermodal transportation facilities, kiosks at rest areas, gasoline filling stations, service and repair stations, state-operated liquor stores, state and tri-state lottery ticket agencies, automatic teller machines and restaurants as it deems necessary to service the needs of the traveling public while using the turnpike, except that the authority may permit
the erection or installation of electric power, telegraph, telephone, water, sewer or pipeline facilities; and provided also that the leasehold interests in such intermodal transportation facilities, kiosks, gasoline filling stations, service and repair stations, state-operated liquor stores, state and tri-state lottery ticket agencies, automatic teller machines, and restaurants shall be subject to taxation as provided in section 71.

Sec. MM-7. 23 MRSA §1968, sub-$1, as amended by TIB 1991, c. 1, §7, is repealed and the following enacted in its place:

1. General. The authority is authorized to provide by resolution from time to time for the issuance of turnpike revenue bonds, including notes or other evidences of indebtedness or obligations defined to be bonds under this chapter, but not exceeding $80,000,000 in the principal amount at any one time outstanding exclusive of refundings, for any purpose described in section 1969, subsection 1.

The bonds of the authority do not constitute a debt of the State or of any agency or political subdivision of the State and are payable solely from the operating revenues of the turnpike. Notwithstanding any provision of law, any bonds issued pursuant to this chapter are fully negotiable. If any of the members or officers of the authority whose signatures appear on the bonds or coupons, if any, cease to be members or officers before the delivery of the bonds, the signature is, nevertheless, valid and sufficient for all purposes as if the members or officers had remained in office until that delivery.

Whether or not the bonds are of such form and character as to be negotiable instruments under the Uniform Commercial Code, Title 11, Article 9, the bonds are hereby made negotiable instruments within the meaning of and for all the purposes of the Uniform Commercial Code, Title 11, Article 8, subject only to the provisions of the bonds for registration.

It is the intention of this chapter that any pledge made by the authority in respect of the bonds or notes is valid and binding from the time when the pledge is made; that the funds or property so pledged and thereafter received by the authority is immediately subject to the lien of that pledge without any physical delivery of those funds or property or further act; and that the lien of such a pledge is valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the authority irrespective of whether those parties have notice of that lien. Neither the resolution, trust indenture nor any other instrument by which a pledge is created need be recorded.

Sec. MM-8. 23 MRSA §1969, sub-$1, §§B and C, as enacted by PL 1981, c. 595, §3, are amended to read:

B. To the repayment of grants or loans from the Federal Government for its costs incurred in connection with the construction and reconstruction of the turnpike, that were used to construct or reconstruct the turnpike or portions of it or interconnecting access roads or portions of them but only to the extent that that repayment is required in order for the authority to continue to collect maintain or establish tolls on the turnpike;

C. To the payment of the costs of constructing or reconstructing interchanges that are determined by the Department of Transportation and the authority to have a sufficient relationship to the public's use of the turnpike and the orderly regulation and flow of traffic on the turnpike in accordance with the requirements of section 1974, subsection 3.

Sec. MM-9. 23 MRSA §1974, sub-$1, §§, as enacted by PL 1987, c. 457, §6, is further amended to read:

F. Repayment to the Federal Government for grants or loans the proceeds of which were used in connection with the construction or reconstruction of any portion of the turnpike or of any interconnecting access roads, but only to the extent that the repayment is required in order for the authority to continue to collect maintain or establish tolls on the turnpike; and

Sec. MM-10. Acquisition: bond financing. The Department of Transportation acting by and on behalf of the State is authorized to convey to the Maine Turnpike Authority, and the Maine Turnpike Authority is authorized to acquire from the State, all or a portion of Interstate 95 in the towns of York and Kittery that formerly constituted a part of the turnpike for the sum of $16,000,000 and on such other terms and provisions as the Commissioner of Transportation and the members of the Maine Turnpike Authority determine are reasonable or necessary to effectuate the acquisition. Payment may be made in 2 installments, the first on or before April 10, 1994 for $15,000,000, and the 2nd on or before April 10, 1995 for $1,000,000 and must be credited to an Other Special Revenue account established to carry out the purposes of section 12 of this Part. The authority need not take title or assume any liability for the operating expenses of the highway segment in question until the full purchase price has been paid in accordance with the schedule set forth in the preceding
The Commissioner of Transportation and the members of the authority may, in their discretion, include as part of the property so acquired either or both the interchange and the visitor information center serving that portion of Interstate 95. In connection with the acquisition authorized in this section, the authority is authorized to issue bonds under the Maine Revised Statutes, Title 23, section 1968, subsection I, and section 1969, subsection I, the purpose of which is to pay costs of the reacquisition or to use revenues derived from turnpike operations to pay for those costs. The highway segment described in this section becomes a part of the turnpike only upon acquisition by the authority. Notwithstanding Title 23, section 1961, subsection 3, the authority is not required to institute closed barrier toll collection for the highway so acquired.

Sec. MM-11. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1993-94</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>1994-95</td>
<td>$1,000,000</td>
</tr>
</tbody>
</table>

General Purpose Aid for Local Schools

SEC. MM-12. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Part.

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1993-94</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>1994-95</td>
<td>$1,000,000</td>
</tr>
</tbody>
</table>

Education, Department of

General Purpose Aid for Local Schools

Committee Amendment "B" to H.P. 215, L.D. 283

Turnpike Authority to provide grants to cities and towns for educational purposes. Disbursements from this account must be made in May 1994 and May 1995.

PART NN

Sec. NN-1. 5 MRSA §243, sub-§2, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is repealed.

Sec. NN-2. 5 MRSA §243, sub-§3, as amended by PL 1989, c. 857, §16, is repealed.

Sec. NN-3. 5 MRSA §244-A, as enacted by PL 1979, c. 46, is repealed and the following enacted in its place:

§244-A. REPORTS TO THE STATE AUDITOR

The head of any department or agency of the State who has evidence of an improper or illegal transaction within that person's department or agency shall immediately report the transaction to the State Auditor.

Sec. NN-4. 30-A MRSA §5822, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is repealed.

Sec. NN-5. 30-A MRSA §5823, first ¶, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

Each municipality and quasi-municipal corporation shall have an annual postaudit made of its accounts covering the last complete fiscal year by the Department of Audit or by a qualified public accountant elected by ballot or engaged by its officers. The officers shall notify the State Auditor of the name and address of the auditor within 20 days after the auditor is elected or engaged. The postaudit shall be conducted on the basis of auditing standards and procedures prescribed by the State Auditor.

Sec. NN-6. 30-A MRSA §5823, sub-§1, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

1. New postaudit. If the voters of a municipality or quasi-municipal corporation are dissatisfied with the postaudit made by a public accountant, they may obtain a new postaudit by filing a petition with the State Auditor and the municipal officer of the
COMMITTEE AMENDMENT "B" to H.P. 215, L.D. 283

governing body of the quasi-municipal corporation. The petition
must be signed by:

A. At least 10% of the voters of a municipality or
quasi-municipal corporation with a population under 10,000;
or

B. At least 1,000 voters in a municipality or
quasi-municipal corporation with a population of 10,000 or
over.

Upon the filing of a valid petition, the State Auditor shall
order a new postaudit to be made by the Department of Audit. The
municipality or quasi-municipal corporation shall cause a new
postaudit to be made by a different auditor and pay the expense
of this postaudit.

Sec. NN-7. 30-A MRSA §5823, sub-§3, ¶B and C, as amended by
Pl. 1989, c. 104, Pt. C, §§8 and 10, are repealed.

Sec. NN-8. 30-A MRSA §5823, sub-§4, ¶A, as amended by Pl. 1989,
c. 104, Pt. C, §§8 and 10, is repealed.

Sec. NN-9. 30-A MRSA §§5824 and 5825, as amended by Pl. 1989,
c. 104, Pt. C, §§8 and 10, are repealed.

Sec. NN-10. Allocation. The following funds are allocated
from Other Special Revenue to carry out the purposes of this Part.

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1993-94</td>
<td>($594,916)</td>
</tr>
<tr>
<td>1994-95</td>
<td>($1,013,153)</td>
</tr>
</tbody>
</table>

AUDIT, DEPARTMENT OF

Audit - Municipal Bureau

Positions - Other Count (-18.0) (-18.0)
Personal Services ($456,055) ($825,691)
All Other (136,861) (187,462)

Provides for the reallocation
of funds as a result of the
elimination of this program.
These positions must be
terminated as soon as
possible but not later than
September 30, 1993.

DEPARTMENT OF AUDIT
TOTAL ($594,916) ($1,013,153)

PART OO

Sec. OO-1. 36 MRSA §2521-A, 4th ¶, as enacted by PL 1991, c.
591, Pt. PPP, §2 and affected by §5, is repealed.

Sec. OO-2. 36 MRSA §2521-C, as renumbered by RR 1991, c. 1,
§53, is repealed.

Sec. OO-3. PL 1991, c. 591, Pt. PPP, §4, as amended by RR 1991,
c. 1, §55, is repealed.

PART PP

Sec. PP-1. 17 MRSA §332, sub-¶4, ¶A, as enacted by PL 1979, c.
736, ¶2, is amended to read:

A. An agricultural society shall may operate a game of
chance only on the grounds of the agricultural society and
only during the annual fair of the agricultural society.

PART QQ

Sec. QQ-1. Unencumbered balances. Notwithstanding any other
provisions of law, any unencumbered planning assistance or
implementation assistance grant balances available on June
30, 1993 must carry forward to carry out the granting purposes of the
Maine Revised Statutes, Title 30-A, chapter 187, subchapter II,
article 3-A.

PART RR

Sec. RR-1. 5 MRSA §17001, sub-¶4, ¶A, as enacted by PL 1991,
c. 780, Pt. FF, ¶1, is further amended to read:

A. The average annual rate of earnable compensation of a
member during the 3 years of creditable service as an
employee in Maine, not necessarily consecutive, in which the
member's annual rate of earnable compensation is highest.
However, if a member is subject to a temporary layoff or
other time off without pay as a result of a Governor's
Executive Order, time off without pay or loss of pay
pursuant to the agreements of February 15, 1991 and October
23, 1991 and June 11, 1993 between the Executive Department and the American Federation of State, County and Municipal Employees, Council 93, time off without pay pursuant to the agreement of June 11, 1993 between the Executive Department
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)