

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, 2024 and June 30, 2025

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, 2024 and June 30, 2025, 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. Programmed GARVEE bonding level for 2024-2025 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 \$50,000,000 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 B
SUMMARY**

This Part allows the Maine Municipal Bond Bank to issue up to \$50,000,000 of GARVEE bonds for highway and bridge needs.

PART C

Sec. C-1. Attrition savings. Notwithstanding any other provision of law to the contrary, the attrition rate for the 2024-2025 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. C-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 2023-24 and fiscal year 2024-25 and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 2023-24 and fiscal year 2024-25. 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, 2023.

Sec. C-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 2023-24 and 2024-25.

HIGHWAY FUND	2023-24	2024-25
Personal Services	(\$5,231,242)	(\$5,320,362)
HIGHWAY FUND TOTAL	(\$5,231,242)	(\$5,320,362)

**PART C
SUMMARY**

This Part sets the attrition rate for the 2024-2025 biennium from 1.6% to 5% for executive branch departments and agencies.

PART D

Sec. D-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 2023-24 and 2024-25 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 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 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 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 D
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 E

Sec. F-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, 2024 and June 30, 2025 the Commissioner 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 Transportation shall provide a report by September 15, 2024 and September 15, 2025 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 E
SUMMARY**

This Part authorizes the Commissioner of the Department of Transportation to transfer Highway Fund Personal Services balances available at the end fiscal years 2023-24 and 2024-25 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 F

Sec. H-1. Authorization to issue TransCap Trust Fund revenue bonds. Notwithstanding any other provision of law, the Maine Municipal Bond Bank, at the request of the Department of Transportation, is authorized to issue TransCap Trust Fund revenue bonds as provided in the Maine Revised Statutes, Title 30-A, section 6006-G from time to time in amounts that in total do not exceed \$200,000,000 from the effective date of this bill through fiscal year 2024-25 for the purpose of making capital improvements to the State's transportation infrastructure.

PART F SUMMARY

This Part authorizes the Maine Municipal Bond Bank, at the request of the Department of Transportation to issue up to \$200,000,000 in TransCap Trust Fund revenue bonds to support capital improvements to the State's transportation infrastructure.

PART G

Sec. G-1. 36 MRSA §2903, sub-§6 as amended by PL 2007, c. 538, Pt L, §1 is further amended to read:

6. Beginning July 1, 2009 and ending June 30, 2023, the Treasurer of State shall deposit monthly into the TransCap Trust Fund established in Title 30-A, section 6006-G 7.5% of the excise tax after the distribution of taxes pursuant to section 2903-D imposed under subsection 1. Beginning July 1, 2023, the Treasurer of State shall deposit monthly into the TransCap Trust Fund established in Title 30-A, section 6006-G 10.25% of the excise tax after the distribution of taxes pursuant to section 2903-D imposed under subsection 1.

Sec. G-2. 36 MRSA §3203, sub-§4 as amended by PL 2009, c. 496, §19 is further amended to read:

4. Highway Fund. All taxes and fines collected under this chapter must be credited to the Highway Fund, except that beginning July 1, 2009 and ending June 30, 2023, the Treasurer of State shall deposit monthly into the TransCap Trust Fund established in Title 30-A, section 6006-G 7.5% of the excise tax imposed under subsection 1-B, and beginning July 1, 2023, the Treasurer of State shall deposit monthly into the TransCap Trust Fund established in Title 30-A, section 6006-G 10.25% of the excise tax imposed under subsection 1 B.

PART G SUMMARY

This Part increases the amount of fuel tax revenue dedicated to the TransCap Trust Fund beginning in fiscal year 2023-24.