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STATE OF MAINE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

COMMITTEE ON TRANSPORTATION

March 13, 2009

TO: Honorable Bill Diamond, Senate Chair
Honorable Emily Cain, House Chair
Members, Joint Standing Committee on Appropriations and Financial Affairs

FROM: Dennis S. Damon, Senate Chair 
Edward J. Mazurek, House Chair 
Joint Standing Committee on Transportation

RE: **General Fund 2010-2011 Biennial Budget (LD 353) and "Spending Bills"**

Please accept this memo as our report back on the proposals made in the 2010-2011 General Fund Biennial Budget under the jurisdiction of the Joint Standing Committee on Transportation. The Committee voted unanimously to approve these proposals, including the amendments to the Department of Public Safety, State Police presented in the March 9, 2009 Change Package, *except for Language Section Part BB*. Our votes are indicated on the budget worksheets provided by the Office of Fiscal and Program Review and attached to this memo.

The Committee voted 13-0 to exclude Language Section Part BB from the 2010-2011 General Fund Biennial Budget. Our concern over this particular Section is that it proposes to remove a very important layer of Legislative oversight. We understand that this particular section was included specifically because of Language Section Part AA, which proposes to change the attrition rate from 1.6% to 5%. Although Language Section Part AA does not come under our jurisdiction, we would strongly recommend that your Committee consider keeping the attrition rate at the 1.6% level for the following reasons:

- As we understand it, the calculation was based upon a review of attrition levels over the last six years. We are concerned that the last six years may not be representative of the current economic climate, and are not convinced that attrition levels will be as high as they have been in the past.
- If the actual attrition level is lower than the proposed 5%, then State agencies must reorganize spending priorities and propose spending cuts during a supplemental budget, when there is typically a condensed timeframe. We believe that from a public policy perspective, such spending priorities should be determined at the beginning of the biennium, not during the fiscal year.

We would also like to express our concern to your Committee over the level of funding within the baseline budget for maintenance of State Police vehicles. While one of the initiatives approved unanimously by our Committee was cost savings related to leasing State Police vehicles by deferring replacement to 125,000 miles, there is no corresponding increase in the budget for maintenance. The Department of Public Safety has indicated to us that at approximately 80,000 to 100,000 miles, maintenance costs double. The Department also indicated that each vehicle will be evaluated on a case by case basis as to whether it should be removed from service, with the goal of keeping to the 125,000 miles per vehicle to the extent possible without jeopardizing safety. The Department does not have clear data on the effect of this decision on maintenance costs, however, we believe it is very likely that maintenance will exceed the amount budgeted over the biennium. The two Change Package amendments related to State Police create additional General Fund savings of \$36,636 in fiscal year 2009-10. It is the recommendation of our Committee that these savings be appropriated for additional maintenance of State Police vehicles.

Lastly, there is one "Spending Bill", LD 269, An Act to Appropriate Funds to Equip State Trooper Cars With Cages, which was referred to the Joint Standing Committee on Transportation. On March 10, 2009, our Committee unanimously voted Ought Not to Pass on this bill.

Thank you for this opportunity to comment. Please let us know if we can provide further clarification.

Sec. A-59. Appropriations and allocations.

The following appropriations and allocations are made.

PUBLIC SAFETY, DEPARTMENT OF

State Police 0291

Initiative: BASELINE BUDGET

	History 2007-08	History 2008-09	2009-10	2010-11
GENERAL FUND				
POSITIONS - LEGISLATIVE COUNT	318,000	318,000	318,000	318,000
Personal Services	\$12,804,959	\$12,901,056	\$13,743,917	\$14,067,945
All Other	\$5,705,453	\$5,738,384	\$5,619,782	\$5,619,782
GENERAL FUND TOTAL	\$18,510,412	\$18,639,440	\$19,363,699	\$19,687,727
	History 2007-08	History 2008-09	2009-10	2010-11
FEDERAL EXPENDITURES FUND				
POSITIONS - LEGISLATIVE COUNT	5,000	5,000	5,000	5,000
Personal Services	\$306,517	\$322,869	\$340,399	\$356,851
All Other	\$2,120,304	\$2,168,304	\$2,120,304	\$2,120,304
FEDERAL EXPENDITURES FUND TOTAL	\$2,426,821	\$2,491,173	\$2,460,703	\$2,477,155
	History 2007-08	History 2008-09	2009-10	2010-11
OTHER SPECIAL REVENUE FUNDS				
POSITIONS - LEGISLATIVE COUNT	9,000	8,000	9,000	9,000
Personal Services	\$634,884	\$626,475	\$653,603	\$683,606
All Other	\$442,188	\$613,175	\$613,175	\$613,175
OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,077,072	\$1,239,650	\$1,266,778	\$1,296,781

Justification:

Provide full law enforcement services to areas that do not have their own police departments. Patrol the rural roads, Interstate system, and Maine Turnpike enforcing motor vehicle laws and covering crashes. Investigate all homicides outside of Portland and Bangor as well as investigate other major crimes. Provide crime lab as well as other specialized law enforcement services and maintain the criminal history records information.

State Police 0291

Initiative: Provides funding for contracted system maintenance of the criminal history repository.

Ref. #: 3477

Committee Vote: OTP-AM 13-0

AFA Vote: _____

		2009-10	2010-11
GENERAL FUND			
All Other	(amendment in accordance w/ change package)	\$68,978 \$135,250	\$135,350
GENERAL FUND TOTAL		\$68,978 \$135,250	\$135,350

* additional initiative, State Police: Provides funding for vehicle maintenance General Fund other A11

in 13-0
\$34,636 \$0

GENERAL FUND

POSITIONS - LEGISLATIVE COUNT
 Personal Services
 GENERAL FUND TOTAL

(Amended in accordance with change package)

	2009-10	2010-11
	0	(1,000)
	0	(\$30,149)
	0	(\$30,149)

Justification:

This initiative eliminates an Auto Mechanic II position due to the reduction in State Police vehicles.

**STATE POLICE 0291
 PROGRAM SUMMARY**

GENERAL FUND	History 2007-08	History 2008-09	2009-10	2010-11
POSITIONS - LEGISLATIVE COUNT	318,000	318,000	317,000	317,000
Personal Services	\$12,804,959	\$12,901,056	\$17,410,995	\$17,822,542
All Other	\$5,705,453	\$5,738,384	\$7,107,230	\$7,005,129
GENERAL FUND TOTAL	\$18,510,412	\$18,639,440	\$24,518,225	\$24,827,671

FEDERAL EXPENDITURES FUND	History 2007-08	History 2008-09	2009-10	2010-11
POSITIONS - LEGISLATIVE COUNT	5,000	5,000	5,000	5,000
Personal Services	\$306,517	\$322,869	\$340,399	\$356,851
All Other	\$2,120,304	\$2,168,304	\$2,120,304	\$2,120,304
FEDERAL EXPENDITURES FUND TOTAL	\$2,426,821	\$2,491,173	\$2,460,703	\$2,477,155

OTHER SPECIAL REVENUE FUNDS	History 2007-08	History 2008-09	2009-10	2010-11
POSITIONS - LEGISLATIVE COUNT	9,000	8,000	8,000	8,000
Personal Services	\$634,884	\$626,475	\$591,221	\$617,521
All Other	\$442,188	\$613,175	\$531,000	\$531,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,077,072	\$1,239,650	\$1,122,221	\$1,148,521

TRA Comm. Hcd:
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PART BB

Sec. BB-1. 5 MRSA §1582, sub-§4, as enacted by PL 2005, c. 12, Pt. T, §1, is amended to read:

4. Use of savings; personal services funds. Savings accrued 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 the payment of nonrecurring Personal Services costs only within the account where the savings exist. Accrued savings generated from vacant positions within a General Fund account's appropriation for Personal Services may be used to offset Personal Services shortfalls in other General Fund accounts that occur as a direct result of Personal Services appropriation reductions for projected vacancies, and accrued savings generated within a Highway Fund account's allocations for Personal Services may be used to offset Personal Services shortfalls in other Highway Fund accounts that occur as a direct result of Personal Services allocation reductions for projected vacancies; except that the transfer of such accrued savings is subject to review by the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. Costs related to acting capacity appointments and emergency, unbudgeted overtime for which it is impractical to budget in advance may be used with the approval of the appointing authority. Other actions such as retroactive compensation for reclassifications or reallocations and retroactive or one-time settlements related to arbitrator or court decisions must be recommended by the department or agency head and approved by the State Budget Officer. Salary and employee benefits savings may not be used to fund recurring Personal Services actions either in the account where the savings exist or in another account.

SUMMARY

PART BB

This Part allows the transfer of accrued Personal Services savings between and within department accounts in the General Fund and Highway Fund to be used to offset Personal Services shortfalls that occur as a direct result of Personal Services appropriation or allocation reductions for projected vacancies.