

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out the title and substituting the following:

**'Resolve, To Stabilize the Bureau of Warden Service
and the Division of Fisheries and Hatcheries'**

Amend the bill by striking out everything after the title and before the summary and inserting the following:

'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 financial stability of the Department of Inland Fisheries and Wildlife, Bureau of Warden Service and the fisheries and hatcheries division is imperative for the protection and conservation of Maine's fish and wildlife resources; and

Whereas, additional funding for the Bureau of Warden Service and the fisheries and hatcheries division is needed immediately to maintain the current levels of operations; 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

Sec. 1 Transfer from unappropriated surplus at the close of fiscal year 2007-08 to the Department of Inland Fisheries and Wildlife. Resolved: That, notwithstanding any other provision of law, at the close of fiscal year 2007-08, the State Controller shall transfer an amount determined pursuant to this section upon finding that:

1. Revenue received by the Department of Inland Fisheries and Wildlife is in excess of total budgeted revenue in fiscal year 2007-08; and

2. Total General Fund revenue received in fiscal year 2007-08 is in excess of final budgeted revenue estimates.

If the conditions specified in subsections 1 and 2 have been met, the State Controller shall transfer the least of the excess revenue received by the Department of Inland Fisheries and Wildlife, the total excess General Fund revenue and \$683,000 from the unappropriated surplus of the General Fund to the Department of Inland Fisheries and Wildlife, Enforcement Operations program in the General Fund after all required deductions of appropriations, budgeted financial commitments and adjustments considered necessary by the State Controller have been made and as the first priority after the transfers required pursuant to the Maine Revised Statutes, Title 5, sections 1507 and 1511 and before the transfers required pursuant to Title 5, section 1536 and Public Law 2007, chapter 240, Part MM; and be it further

Sec. 2 Transfers considered adjustments to appropriations. Resolved: That, notwithstanding the Maine Revised Statutes, Title 5, section 1585, or any other provision of law, amounts transferred pursuant to section 1 are considered adjustments to appropriations in fiscal year 2008-09. Seventy-five percent of those funds must be used for non-Personal Services of the Bureau of Warden Service, and 25% of those funds must be used to fund non-Personal Services of the fisheries and hatcheries division. These funds may be allotted by financial order upon recommendation of the State Budget Officer and approval of the Governor; and be it further

Sec. 3 Lapsed balance transfer. Resolved: That, notwithstanding any other provision of law, if the revenue provided in section 1 is less than \$683,000, the State Controller shall transfer from any unencumbered allocated balances within the Department of Inland Fisheries and Wildlife as identified in the Maine Revised Statutes, Title 12, section 10202, subsection 4 an amount that when added to the revenues transferred pursuant to section 1 equals \$683,000.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.'

SUMMARY

This amendment replaces the bill with a resolve that directs the State Controller to transfer up to \$683,000 from General Fund revenue to the Department of Inland Fisheries and Wildlife, Bureau of Warden Service and the fisheries and hatcheries division if there is revenue in excess of the amounts budgeted for the department and for the State. Seventy-five percent of that revenue must be used for non-Personal Services of the bureau and 25% of those funds must be used to fund non-Personal Services of the fisheries and hatcheries division. If the excess revenue is insufficient to meet the \$683,000 amount, the State Controller is required to transfer the shortage from unencumbered balances in the department.