

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 609

S.P. 191

In Senate, January 30, 1997

**Resolve, Concerning Reauthorization of the \$9,000,000 Bond Issue for
Construction of Water Pollution Control Facilities.**

(EMERGENCY)

Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.
Reference to the Committee on Appropriations and Financial Affairs suggested and
ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MICHAUD of Penobscot.
Cosponsored by Representatives: BERRY of Livermore, SHIAH of Bowdoinham.

2 **Emergency preamble. Whereas,** Acts and resolves of the
Legislature do not become effective until 90 days after
adjournment unless enacted as emergencies; and

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6 **Whereas,** the Treasurer of State may not sell the remaining
\$500,000 of bonds not yet issued from the \$9,000,000 pollution
control bond issue authorized by the voters in 1990 unless the
Legislature reauthorizes the issuance of those bonds; and

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12 **Whereas,** the Department of Environmental Protection can not
meet its obligations with municipalities and quasi-municipal
corporations unless the bonds not yet issued are reauthorized; and

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16 **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

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22 **Sec. 1. Findings; expiration. Resolved:** That the Legislature
finds that the authorization for the \$9,000,000 bond issue,
approved by the electorate in November 1990 for the construction
of pollution control facilities, has expired; and be it further

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26 **Sec. 2. Findings; reauthorization necessary. Resolved:** That the
Legislature further finds that unless the bond issue is
reauthorized, the progress in cleaning up the State's waters by
municipal dischargers will be seriously hindered and the State
will not be able to meet its obligations with municipalities and
quasi-municipal corporations; and be it further

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34 **Sec. 3. Reauthorization of bonds. Resolved:** That the
Legislature reauthorizes bonds not yet issued from the \$9,000,000
bond issue for the construction of pollution control facilities
for an additional 5-year period from the effective date of this
resolve; and be it further

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40 **Sec. 4. Appropriation. Resolved:** That no additional
appropriation is required to carry out the purposes of this
resolve.

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44 **Emergency clause.** In view of the emergency cited in the
preamble, this resolve takes effect when approved.

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SUMMARY

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This resolve reauthorizes \$500,000 in bonds not yet issued
from a \$9,000,000 bond issue approved by the State's voters in

2 November of 1990, pursuant to Private and Special Law 1989,
chapter 130, for the construction of water pollution control
4 facilities. The Constitution of Maine states that if any bonds
have not been issued within 5 years of the date of ratification,
6 those bonds may not be issued after that date. Within 2 years
after that 5-year period, the Legislature may extend, by a
8 majority vote, the 5-year period for an additional 5 years or may
deauthorize the bonds. If the Legislature fails to take action
10 within those 2 years, the bond issue is considered deauthorized
and no further bonds may be issued.

12 Of the \$9,000,000 approved by the voters in 1990, \$2,400,000
was specifically earmarked to address combined sewer overflow
14 problems in a number of Maine communities, while \$500,000 was
targeted for the removal of overboard discharges in various
16 municipalities throughout the State. However, at present,
\$500,000 of the bonds for these purposes remain unsold. This is
18 because the Treasurer of State and the Department of
Environmental Protection, in compliance with federal tax laws,
20 seek to limit actual bond sales to the amount needed for current
expenditures. In 1990, when the bond issue was proposed, the
22 Department of Environmental Protection decided to put the total
combined sewer overflow funds into engineering studies for
24 communities to develop combined sewer overflow abatement
solutions. Not all of the combined sewer overflow communities
26 have currently begun preparing these engineering studies and, as
a result, \$378,504 remains unencumbered for those communities
28 that need to develop these studies but have not yet started the
process. The remaining \$121,496 is for overboard discharge
30 removals.

32 Therefore, in order to provide various towns and cities with
the remaining \$500,000 in bond funds, the Legislature must
34 reauthorize the 1990 water pollution control bond issue prior to
the 2-year deadline specified in the Constitution of Maine and in
36 the statutes, by November 1997.