

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 230

H.P. 184

House of Representatives, January 23, 2009

An Act To Authorize a General Fund Bond Issue for the Purchase and Protection of Traditional Hunting Grounds

(EMERGENCY)

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative PERCY of Phippsburg.
Cosponsored by Senator TRAHAN of Lincoln and
Representatives: AYOTTE of Caswell, BEAULIEU of Auburn, BLANCHARD of Old Town,
BRYANT of Windham, CLARK of Millinocket, CLEARY of Houlton, DAVIS of Sangerville,
FITTS of Pittsfield, FLETCHER of Winslow, GIFFORD of Lincoln, HINCK of Portland,
HUNT of Buxton, JONES of Mount Vernon, KNIGHT of Livermore Falls, LAJOIE of
Lewiston, MacDONALD of Boothbay, PETERSON of Rumford, SAVIELLO of Wilton,
SMITH of Monmouth, STRANG BURGESS of Cumberland, THERIAULT of Madawaska,
VAN WIE of New Gloucester, WAGNER of Lyman, WATSON of Bath, WEAVER of York,
Senators: BARTLETT of Cumberland, BRYANT of Oxford, DAMON of Hancock,
GOODALL of Sagadahoc, JACKSON of Aroostook, SCHNEIDER of Penobscot.

1 **Preamble.** Two thirds of both Houses of the Legislature deeming it necessary in
2 accordance with the Constitution of Maine, Article IX, Section 14 to authorize the
3 issuance of bonds on behalf of the State of Maine to provide funds as described in this
4 Act,

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

7 **Whereas,** this legislation requires a bond issue to go before the voters before
8 adjournment and is associated with the special election in June; and

9 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
10 the meaning of the Constitution of Maine and require the following legislation as
11 immediately necessary for the preservation of the public peace, health and safety; now,
12 therefore,

13 **Be it enacted by the People of the State of Maine as follows:**

14 **Sec. 1. Authorization of bonds.** The Treasurer of State is authorized, under the
15 direction of the Governor, to issue bonds in the name and on behalf of the State in an
16 amount not exceeding \$10,000,000 for the purposes described in section 6 of this Act.
17 The bonds are a pledge of the full faith and credit of the State. The bonds may not run for
18 a period longer than 10 years from the date of the original issue of the bonds. At the
19 discretion of the Treasurer of State, with the approval of the Governor, any issuance of
20 bonds may contain a call feature.

21 **Sec. 2. Records of bonds issued kept by Treasurer of State.** The Treasurer
22 of State shall keep an account of each bond showing the number of the bond, the name of
23 the successful bidder to whom sold, the amount received for the bond, the date of sale and
24 the date when payable.

25 **Sec. 3. Sale; how negotiated; proceeds appropriated.** The Treasurer of State
26 may negotiate the sale of the bonds by direction of the Governor, but no bond may be
27 loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the
28 bonds, which must be held by the Treasurer of State and paid by the Treasurer of State
29 upon warrants drawn by the State Controller, are appropriated solely for the purposes set
30 forth in this Act. Any unencumbered balances remaining at the completion of the project
31 in this Act lapse to the debt service account established for the retirement of these bonds.

32 **Sec. 4. Interest and debt retirement.** The Treasurer of State shall pay interest
33 due or accruing on any bonds issued under this Act and all sums coming due for payment
34 of bonds at maturity.

35 **Sec. 5. Disbursement of bond proceeds.** The proceeds of the bonds must be
36 expended as set out in this Act under the direction and supervision of the Department of
37 Inland Fisheries and Wildlife.

1 **Sec. 6. Allocations from General Fund bond issue.** The proceeds of the sale
2 of the bonds authorized under this Act must be expended as designated in the following
3 schedule.

4 **DEPARTMENT OF INLAND**
5 **FISHERIES AND WILDLIFE**
6

7 Provides funds for the purchase and \$10,000,000
8 protection of traditional hunting grounds.
9

10 **Sec. 7. Contingent upon ratification of bond issue.** Sections 1 to 9 do not
11 become effective unless the people of the State ratify the issuance of the bonds as set
12 forth in this Act.

13 **Sec. 8. Appropriation balances at year-end.** At the end of each fiscal year, all
14 unencumbered appropriation balances representing state money carry forward. Bond
15 proceeds that have not been expended within 10 years after the date of the sale of the
16 bonds lapse to General Fund debt service.

17 **Sec. 9. Bonds authorized but not issued.** Any bonds authorized but not issued,
18 or for which bond anticipation notes are not issued within 5 years of ratification of this
19 Act, are deauthorized and may not be issued, except that the Legislature may, within 2
20 years after the expiration of that 5-year period, extend the period for issuing any
21 remaining unissued bonds or bond anticipation notes for an additional amount of time not
22 to exceed 5 years.

23 **Sec. 10. Referendum for ratification; submission at election; form of**
24 **question; effective date.** This Act must be submitted to the legal voters of the State at
25 a statewide election held in the month of June following passage of this Act. The
26 municipal officers of this State shall notify the inhabitants of their respective cities, towns
27 and plantations to meet, in the manner prescribed by law for holding a statewide election,
28 to vote on the acceptance or rejection of this Act by voting on the following question:

29 "Do you favor a \$10,000,000 bond issue to provide funds for the
30 purchase and protection of traditional hunting grounds?"

31 The legal voters of each city, town and plantation shall vote by ballot on this question
32 and designate their choice by a cross or check mark placed within a corresponding square
33 below the word "Yes" or "No." The ballots must be received, sorted, counted and
34 declared in open ward, town and plantation meetings and returns made to the Secretary of
35 State in the same manner as votes for members of the Legislature. The Governor shall
36 review the returns. If a majority of the legal votes are cast in favor of this Act, the
37 Governor shall proclaim the result without delay and this Act becomes effective 30 days
38 after the date of the proclamation.

39 The Secretary of State shall prepare and furnish to each city, town and plantation all
40 ballots, returns and copies of this Act necessary to carry out the purposes of this
41 referendum.

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

SUMMARY

The funds provided by this bond issue, in the amount of \$10,000,000, will be used to provide funds for the purchase and protection of traditional hunting grounds.