

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 911

S.P. 265

In Senate, February 19, 2019

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**An Act To Authorize a General Fund Bond Issue To Promote Land  
Conservation, Working Waterfronts, Water Access and Outdoor  
Recreation**

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

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator BREEN of Cumberland.

Cosponsored by Representative COREY of Windham and

Senators: BLACK of Franklin, CARPENTER of Aroostook, CARSON of Cumberland, CHENETTE of York, CHIPMAN of Cumberland, CLAXTON of Androscoggin, CYRWAY of Kennebec, DESCHAMBAULT of York, DIAMOND of Cumberland, DILL of Penobscot, FARRIN of Somerset, FOLEY of York, GRATWICK of Penobscot, HERBIG of Waldo, President JACKSON of Aroostook, LAWRENCE of York, LUCHINI of Hancock, MILLETT of Cumberland, MIRAMANT of Knox, POULIOT of Kennebec, SANBORN, H. of Cumberland, SANBORN, L. of Cumberland, VITELLI of Sagadahoc, WOODSOME of York, Representatives: ALLEY of Beals, AUSTIN of Skowhegan, AUSTIN of Gray, BABBIDGE of Kennebunk, BABINE of Scarborough, BAILEY of Saco, BEEBE-CENTER of Rockland, BLIER of Buxton, BLUME of York, BRENNAN of Portland, BROOKS of Lewiston, BRYANT of Windham, CAIAZZO of Scarborough, CARDONE of Bangor, CARNEY of Cape Elizabeth, COLLINGS of Portland, COOPER of Yarmouth, CRAVEN of Lewiston, DAUGHTRY of Brunswick, DENK of Kennebunk, DODGE of Belfast, DOORE of Augusta, DOUDERA of Camden, DUNPHY of Old Town, EVANGELOS of Friendship, FARNSWORTH of Portland, FAY of Raymond, FECTEAU of Biddeford, FOLEY of Biddeford, GATTINE of Westbrook, GRAMLICH of Old Orchard Beach, GROHOSKI of Ellsworth, HANDY of Lewiston, HARNETT of Gardiner, HARRINGTON of Sanford, HEPLER of Woolwich, HICKMAN of Winthrop, HIGGINS of Dover-Foxcroft, HOBBS of Wells, INGWERSEN of Arundel, JORGENSEN of Portland, KESCHL of Belgrade, KINNEY of Knox, LANDRY of Farmington, LYFORD of Eddington, MARTIN of Eagle Lake, MARTIN of Sinclair, MARTIN of Greene, MASTRACCIO of Sanford, MATLACK of St. George, MAXMIN of Nobleboro, McCREA of Fort Fairfield, McCREIGHT of Harpswell, McDONALD of Stonington, MEYER of Eliot, MOONEN of Portland, MORALES of South Portland, MORRIS of Turner, O'NEIL of Saco, PEBWORTH of Blue Hill, PEOPLES of Westbrook, PERRY of Calais, PIERCE of Falmouth, PLUECKER of Warren, RECKITT of South Portland, ROBERTS-LOVELL of South Berwick, RYKERSON of Kittery, SCHNECK of Bangor, SKOLFIELD of Weld, STANLEY of Medway, STEARNS of Guilford, STOVER of Boothbay, TALBOT ROSS of Portland, TEPLER of Topsham, TERRY of Gorham, TUCKER of Brunswick, TUELL of East Machias, WARREN of Hallowell, ZEIGLER of Montville.

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

6           **Sec. 1. Authorization of bonds.** The Treasurer of State is authorized, under the  
7 direction of the Governor, to issue bonds in the name and on behalf of the State in an  
8 amount not exceeding \$95,000,000 for the purposes described in section 6 of this Act.  
9 The bonds are a pledge of the full faith and credit of the State. The bonds may not run for  
10 a period longer than 10 years from the date of the original issue of the bonds.

11           **Sec. 2. Records of bonds issued; Treasurer of State.** The Treasurer of State  
12 shall ensure that an account of each bond is kept showing the number of the bond, the  
13 name of the successful bidder to whom sold, the amount received for the bond, the date of  
14 sale and the date when payable.

15           **Sec. 3. Sale; how negotiated; proceeds appropriated.** The Treasurer of State  
16 may negotiate the sale of the bonds by direction of the Governor, but no bond may be  
17 loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the  
18 bonds, which must be held by the Treasurer of State and paid by the Treasurer of State  
19 upon warrants drawn by the State Controller, are appropriated solely for the purposes set  
20 forth in this Act. Any unencumbered balances remaining at the completion of the project  
21 in this Act lapse to the Office of the Treasurer of State to be used for the retirement of  
22 general obligation bonds.

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

26           **Sec. 5. Disbursement of bond proceeds.** The proceeds of the bonds must be  
27 expended as set out in this Act under the direction and supervision of the Department of  
28 Agriculture, Conservation and Forestry.

29           1. The proceeds of the bonds for the Land for Maine's Future Board as set out in  
30 section 6 must be expended by the Department of Agriculture, Conservation and Forestry  
31 for acquisition of land and interest in land for conservation, water access, outdoor  
32 recreation, wildlife or fish habitat, farmland preservation in accordance with the  
33 provisions for such acquisitions under the Maine Revised Statutes, Title 5, chapter 353  
34 and working waterfront preservation in accordance with the terms of Public Law 2005,  
35 chapter 462, Part B, section 6, including all costs associated with such acquisitions,  
36 except that use of the proceeds of these bonds is subject to the following conditions and  
37 requirements.

38           A. Hunting, fishing, trapping and public access may not be prohibited on land  
39 acquired with bond proceeds, except to the extent of applicable state, local or federal

1 laws, rules and regulations and except for working waterfront projects and farmland  
2 protection projects.

3 B. Payment from bond proceeds for acquisitions of local or regional significance, as  
4 determined by the Land for Maine's Future Board, may be made directly to  
5 cooperating entities as defined in Title 5, section 6201, subsection 2 for acquisition of  
6 land and interest in land by cooperating entities, subject to terms and conditions  
7 enforceable by the State to ensure its use for the purposes of this Act. In addition to  
8 the considerations required under Title 5, chapter 353, the board shall give a  
9 preference to acquisitions under this paragraph that achieve benefits for multiple  
10 towns and that address regional conservation needs including public recreational  
11 access, wildlife, open space and farmland.

12 C. The bond funds expended for conservation, recreation, working waterfronts,  
13 farmland and water access must be matched with at least \$75,000,000 in public and  
14 private contributions. Seventy percent of that amount must be in the form of cash or  
15 other tangible assets, including the value of land and real property interest acquired  
16 by or contributed to cooperating entities, as defined in Title 5, section 6201,  
17 subsection 2, when property interests have a direct relationship to the property  
18 proposed for protection, as determined by the Land for Maine's Future Board. The  
19 remaining 30% may be matching contributions and may include the value of project-  
20 related, in-kind contributions of goods and services to and by cooperating entities.

21 D. Because portions of the State have deer populations that are struggling and deer  
22 wintering habitat protection is vital to the survival and enhancement of these  
23 populations, projects that conserve and protect deer wintering areas are considered to  
24 have special value and must receive preferential consideration during scoring of new  
25 applications for support under Title 5, chapter 353.

26 E. To the extent the purposes are consistent with the disbursement provisions in this  
27 Act, 100% of the bond proceeds may be considered as state match for any federal  
28 funding to be made available to the State.

29 2. The Department of Agriculture, Conservation and Forestry and the Department of  
30 Inland Fisheries and Wildlife shall take a proactive approach to pursuing land  
31 conservation projects that include conservation of priority deer wintering areas. Priority  
32 deer wintering areas are of at least 500 acres or contiguous with existing conservation  
33 land so that the combined acreage constitutes at least 500 acres, have been historically  
34 used by deer at some point since 1950 and are capable of providing shelter for deer on the  
35 effective date of this Act or within 20 years. The Department of Inland Fisheries and  
36 Wildlife shall include in conservation negotiations under this section provisions for the  
37 appropriate management of priority deer wintering areas. Land and interest in land  
38 purchased by the State that contains priority deer wintering areas must be managed using  
39 protocol provided by the Department of Inland Fisheries and Wildlife.

40 3. Of the bond proceeds allocated to the Land for Maine's Future Board, at least 5%  
41 must be made available to acquire public access to water in accordance with Title 5,  
42 section 6203-A.

1 4. Of the bond proceeds allocated to the Land for Maine's Future Board, at least 10%  
2 must be made available to protect farmland in accordance with Title 5, section 6207.

3 5. Of the bond proceeds allocated to the Land for Maine's Future Board, at least 10%  
4 must be made available to protect working waterfront properties in accordance with  
5 Public Law 2005, chapter 462, Part B, section 6.

6 **Sec. 6. Disbursement of bond proceeds from General Fund bond issue.**

7 The proceeds of the sale of the bonds authorized under this Act must be expended as  
8 designated in the following schedule.

9 **AGRICULTURE, CONSERVATION**  
10 **AND FORESTRY, DEPARTMENT OF**

11  
12 **Land for Maine's Future Board**

13 Provides funds in order to leverage \$75,000,000 in matching contributions from  
14 public and private sources to be used for the acquisition of land and interest in land  
15 for conservation; water access; wildlife or fish habitat including deer wintering areas;  
16 outdoor recreation, including hunting and fishing; and working farmland preservation  
17 and working waterfront preservation. No more than \$15,000,000 may be issued in  
18 the first year by the Land for Maine's Future Board and no more than \$15,000,000  
19 may be issued by the Land for Maine's Future Board in each of the 4 subsequent  
20 years, except that any unused balance may be added to the specified amount in  
21 subsequent years.

22  
23 Total \$75,000,000

24 **Bureau of Parks and Lands**

25 Provides funds to make necessary capital improvements in the State's parks and  
26 historic sites. No more than \$4,000,000 may be issued in the first year by the Bureau  
27 of Parks and Lands and no more than \$4,000,000 may be issued by the Bureau of  
28 Parks and Lands in each of the 4 subsequent years, except that any unused balance  
29 may be added to the specified amount in subsequent years.

30  
31 Total \$20,000,000

32 **Sec. 7. Contingent upon ratification of bond issue.** Sections 1 to 6 do not  
33 become effective unless the people of the State ratify the issuance of the bonds as set  
34 forth in this Act.

35 **Sec. 8. Appropriation balances at year-end.** At the end of each fiscal year, all  
36 unencumbered appropriation balances representing state money carry forward. Bond  
37 proceeds that have not been expended within 10 years after the date of the sale of the

1 bonds lapse to the Office of the Treasurer of State to be used for the retirement of general  
2 obligation bonds.

3 **Sec. 9. Bonds authorized but not issued.** Any bonds authorized but not issued  
4 within 5 years of ratification of this Act are deauthorized and may not be issued, except  
5 that the Legislature may, within 2 years after the expiration of that 5-year period, extend  
6 the period for issuing any remaining unissued bonds for an additional amount of time not  
7 to exceed 5 years.

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

14 "Do you favor a \$95,000,000 bond issue to invest in state parks and  
15 historic sites, land conservation, water access, wildlife habitat, outdoor  
16 recreation opportunities, including hunting and fishing, farmlands and  
17 working waterfronts to be matched by at least \$75,000,000 in private and  
18 public contributions?"

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

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

30 **SUMMARY**

31 The funds provided by this bond issue, in the amount of \$95,000,000, will be used to  
32 provide funds for the Department of Agriculture, Conservation and Forestry, Bureau of  
33 Parks and Lands and the Land for Maine's Future Board.