

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1999

appropriations, financial commitments or other designated funds, \$150,000 of lapsed balances from amounts appropriated from the General Fund in fiscal year 1998-99 for the All Other line category. Funds transferred must be used to conduct the feasibility study authorized in this Act.

Sec. 9. Report. By December 1, 2000, the corporation shall issue a public report detailing its analyses of the options for construction, ownership and operation of one or more electric transmission lines to interconnect the northern region of the State directly with the electric transmission grid of the remainder of New England. The report must include alternative routes and configurations, cost estimates and feasibility analyses.

Sec. 10. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1999-00

FINANCE AUTHORITY OF MAINE

Northern Maine Transmission Corporation

All Other	\$250,000
Provides funds for the cost of conducting a feasibility study of the options for building transmission lines necessary to connect northern Maine's electric utilities with the transmission grid of the United States.	

See title page for effective date.

CHAPTER 514

H.P. 1607 - L.D. 2253

An Act to Authorize a General Fund Bond Issue in the Amount of \$50,000,000 to Finance the Acquisition of Lands and Interests in Lands for Conservation, Water Access, Outdoor Recreation, Wildlife and Fish Habitat and Farmland Preservation and to Access \$25,000,000 in Matching Contributions from Public and Private Sources

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

Preamble. Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14, to authorize the issuance of bonds on behalf of the State of Maine to provide funds for the acquisition of lands and interests in lands for conservation, water access, outdoor recreation, wildlife and fish habitat and farmland preservation and to access matching contributions from public and private sources.

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

PART A

Sec. A-1. Authorization of bonds to provide for conservation, water access, outdoor recreation, wildlife and fish habitat and farmland preservation. The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding \$50,000,000 to raise funds for the acquisition of lands and interests in lands for conservation, water access, outdoor recreation, wildlife and fish habitat and farmland preservation and to access matching contributions from public and private sources, as authorized in section 7 of this Part. No more than \$10,000,000 may be issued in the first year and no more than \$10,000,000 may be issued in each of the 4 subsequent years, except that any unused balance may be added to the specified amount in subsequent years. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 20 years from the date of the original issue of the bonds. At the discretion of the Treasurer of State, with the approval of the Governor, any issuance of bonds may contain a call feature.

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

Sec. A-3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the

bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Part. Any unencumbered balances remaining at the completion of the project in section 7 of this Part lapse to the debt service account established for the retirement of these bonds.

Sec. A-4. Taxable bond option. The Treasurer of State, at the direction of the Governor, shall covenant and consent that the interest on the bonds is includable under the United States Internal Revenue Code in the gross income of the holders of the bonds to the same extent and in the same manner that the interest on bills, bonds, notes or other obligations of the United States is includable in the gross income of the holders under the United States Internal Revenue Code or any subsequent law. The powers conferred by this section are not subject to any limitations or restrictions of any law that may limit the power to so covenant and consent.

Sec. A-5. Interest and debt retirement. The Treasurer of State shall pay interest due or accruing on any bonds issued under this Part and all sums coming due for payment of bonds at maturity.

Sec. A-6. Disbursement of bond proceeds. The proceeds of the bonds must be expended for acquisition of lands and interests in lands for conservation, water access, outdoor recreation, wildlife and fish habitat and farmland preservation in accordance with the provisions for such acquisitions under the Maine Revised Statutes, Title 5, chapter 353, except that use of the proceeds of these bonds is subject to the following conditions and requirements.

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

2. Payment from bond proceeds for acquisitions of local or regional significance, as determined by the Land for Maine's Future Board, may be made directly to cooperating entities as defined in Title 5, section 6201, subsection 2, for acquisition of lands and interests in lands by cooperating entities, subject to terms and conditions enforceable by the State to ensure their use for the purposes of this Part.

3. The bond funds must be matched with at least \$25,000,000 in public and private contributions. Seventy percent of that amount must be in the form of land, cash or other tangible assets. The remaining 30% may be matching contributions and include the value of project-related, in-kind contributions of goods and services to and by cooperating entities and the value of real property interests acquired by or contributed to cooperating entities when property

interests have a relationship to the property proposed for protection, as determined by the Land for Maine's Future Board.

4. Ten percent of the bond proceeds must be made available to acquire public access to water, in accordance with the provisions of Title 5, section 6203-A.

5. Up to 10% of the bond proceeds must be made available to protect farmland in accordance with the Maine Revised Statutes, Title 5, section 6207.

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

Sec. A-7. Allocations from General Fund bond issue; acquisition of lands; interests in lands for conservation; water access; outdoor recreation; wildlife and fish habitat; farmland preservation. The proceeds of the sale of bonds must be expended as designated in the following schedule.

EXECUTIVE DEPARTMENT

State Planning Office

Land for Maine's Future Board	
All Other	\$50,000,000

Provides for the use of bond proceeds to be used for the acquisition of lands and interests in lands for conservation, water access, outdoor recreation, wildlife and fish habitat and farmland preservation.

Sec. A-8. Contingent upon ratification of bond issue. Sections 1 to 7 of this Part do not become effective unless the people of the State have ratified the issuance of bonds as set forth in this Part.

Sec. A-9. Appropriation balances at year end. At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 25 years after the date of the sale of the bonds lapse to General Fund debt service.

Sec. A-10. Bonds authorized but not issued. Any bonds authorized but not issued, or for which bond anticipation notes are not issued within 10 years of ratification of this Part, are deauthorized and may not be issued; except that the Legislature may, within 2 years after the expiration of that 10-year period, extend the period for issuing any remaining

unissued bonds or bond anticipation notes for an additional amount of time not to exceed 5 years.

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

"Do you favor a \$50,000,000 bond issue to purchase public lands and easements statewide from willing sellers for conservation, water access, outdoor recreation, including hunting and fishing, wildlife and fish habitat and farmland preservation, to be matched by \$25,000,000 in private and public contributions?"

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

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

PART B

Sec. B-1. 5 MRSA §6208-A is enacted to read:

§6208-A. Unorganized territory; county approval

1. Approval. Approval by the county commissioners is required if land proposed to be acquired under a bond issue within the unorganized territory in a county constitutes more than 1% of the state valuation within the county.

2. Transactions. Any acquisition of land within an unorganized territory by eminent domain funded by the board, when the land exceeds either 50 acres or \$100,000 in assessed value, must be approved by the county in which the land is located. That approval

may be obtained either from the county commissioners or, if they do not approve, by referendum of the legal voters within the county.

See title page for effective date, unless otherwise indicated.

CHAPTER 515

H.P. 938 - L.D. 1315

An Act to Ensure the Quality and Safety of Child Care and to Expand Home Visiting Services

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

PART A

Sec. A-1. PL 1999, c. 401, Pts. LLL and MMM are repealed.

Sec. A-2. Contingent effective date. This Part takes effect July 1, 2000 only if sufficient funds are available in the Fund for a Healthy Maine.

PART B

Sec. B-1. Home visiting services to parents. Beginning July 1, 2000, the Department of Human Services shall expand home visiting services to the parents of all newborn children in the State, if the parents desire the services, until those children attain 5 years of age if sufficient funds as provided in this Part are available. The program of home visiting services must include provisions allowing the family to voluntarily pay a donation, for which a sliding scale based on income is provided by the department, upon termination of services to the family and a mechanism for evaluating the home visiting programs in operation within the State.

Sec. B-2. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Part.

2000-01

**HUMAN SERVICES,
DEPARTMENT OF**

Bureau of Health

All Other	\$2,910,000
Provides funds from the Fund for a Healthy Maine to expand	