

MAINE STATE LEGISLATURE

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1 (New Draft of H.P. 1361, L.D.1794)
2 (New Title)

3 FIRST SPECIAL SESSION
4

5 ONE HUNDRED AND ELEVENTH LEGISLATURE
6

7 Legislative Document

No. 1800

9 H.P. 1367

House of Representatives, September 6, 1983

10 Reported by Representative Carter from the Committee on
11 Appropriations and Financial Affairs and printed under Joint Rule 2.

EDWIN H. PERT, Clerk

12 Presented by Representative Carter of Winslow.

Cosponsors: Senator Diamond of Cumberland, Representative Foster of
13 Ellsworth and Senator Clark of Cumberland.

14 STATE OF MAINE
15

16 IN THE YEAR OF OUR LORD
17 NINETEEN HUNDRED AND EIGHTY-THREE
18

19 AN ACT to Authorize a Bond Issue in the
20 Amount of \$21,094,000 for State Facilities
21 Construction, Renovations and Improvements
22 and Construction and Improvements of Municipal
23 Facilities and to Deauthorize Unused Portions
24 of Previous Bond Issues.
25

26 Preamble. Two-thirds of both Houses of the
27 Legislature deeming it necessary in accordance with
28 the Constitution of Maine, Article IX, Section 14, to
29 authorize the issuance of bonds on behalf of the
30 State of Maine to provide the capital improvements,
31 construction, renovations, equipment and furnishings
32 for the various state departments.

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

1 Sec. 1. 20-A MRSA §15708, sub-§1, as enacted by
2 PL 1981, c. 693, §§5 and 8, is amended to read:

3 1. Exceptions. The authority, acting on behalf
4 of the State, may insure the payment of its revenue
5 bonds. To this end, the faith and credit of the
6 State shall be pledged, consistent with the terms and
7 limitations of the Constitution of Maine, Article IX,
8 Section 14-C. The amount of these revenue bonds
9 shall not exceed \$4,800,000 in the aggregate. The
10 authority shall, in the resolution authorizing the
11 issuance of these revenue bonds, provide that the
12 payment of these revenue bonds shall be insured by
13 the State. On the adoption of the resolution, the
14 payment of these revenue bonds shall be deemed to
15 have been insured by the State and the faith and
16 credit of the State to have been pledged to that pay-
17 ment. The insurance shall take effect without
18 obtaining the consent of any agency of the State, and
19 without any other proceedings or conditions except as
20 specifically required by this chapter.

21 Sec. 2. 27 MRSA §505, sub-§2, ¶D is enacted to
22 read:

23 D. The director may administer a program of
24 state financed grants for the stabilization and
25 restoration of unique historic structures con-
26 sistent with the following conditions.

27 (1) An applicant for a grant must be either
28 a governmental or a nonprofit organization.

29 (2) The historic structure which is the
30 subject of the grant application must be on
31 the National Register of Historic Places as
32 provided by the National Historic Preser-
33 vation Act of 1966 or have been nominated to
34 the register by the commission.

35 (3) An applicant must provide assurance
36 that public access to the structure will be
37 reasonably provided with respect to admis-
38 sion fees, visitation hours and physical ac-
39 cessibility, while maintaining the histori-
40 cal integrity of the structure.

1 (4) Applications must address, to the
2 satisfaction of the commission, the appli-
3 cant's organizational and financial capacity
4 to provide long-term maintenance of that
5 structure which is the subject of the appli-
6 cation.

7 (5) Grants shall not exceed 50% of the
8 total expense of the proposed project,
9 except that grants to this State may be 100%
10 of the total expense of the proposed
11 project.

12 (6) All grants shall be subject to final
13 approval, by the commission.

14 (7) Prior to final approval, the commission
15 may require the applicant to execute a cove-
16 nant to secure continued public access and
17 maintenance of the historic integrity of the
18 structure, and a right of first refusal for
19 the State.

20 With respect to the quality of work to be per-
21 formed through this grant program, the commission
22 and the director shall be guided by the United
23 States Secretary of the Interior's Standards for
24 Rehabilitation.

25 Sec. 3. P&SL 1979, c. 106, §1, 2nd sentence, is
26 amended to read:

27 Any bonds issued pursuant to this authorization
28 shall be issued prior to July 1, 1985 1983.

29 Sec. 4. Bond issue; unused portion of Private
30 and Special Law 1979, chapter 60, section 2,
31 deauthorized. The amount of \$2,082.70, which was
32 authorized but unissued in bond under Private and
33 Special Law 1979, chapter 60, section 2, shall be
34 deauthorized.

35 Sec. 5. Bond issue; unused portion of Private
36 and Special Law 1977, chapter 70, sections 1 and 7,
37 deauthorized. The amount of \$3,000, which was
38 authoized but unissued in bond under Private and Spe-
39 cial Law 1977, chapter 70, sections 1 and 7, shall be
40 deauthorized.

1 Sec. 6. Issue of bonds to provide for capital
2 improvements, construction, renovations, equipment
3 and furnishings for state departments and for the
4 construction and improvement of municipal facilities.
5 The Treasurer of State may, under the direction of
6 the Governor, issue from time to time serial coupon
7 bonds in the name and behalf of the State to an
8 amount not exceeding \$21,094,000 for the purpose of
9 raising funds to provide for such capital improve-
10 ments, construction, renovations, equipment and fur-
11 nishings as authorized by sections 11 to 15. The
12 bonds shall be deemed a pledge of the faith and
13 credit of the State. The bonds shall not run for a
14 longer period than 20 years from the date of the
15 original issue thereof. Any issuance of bonds may
16 contain a call feature at the discretion of the
17 Treasurer of State with the approval of the Governor.

18 Sec. 7. Records of bonds issued to be kept by
19 the State Auditor and Treasurer of State. The State
20 Auditor shall keep an account of the bonds, showing
21 the number and amount of each, the date when payable
22 and the date of delivery thereof to the Treasurer of
23 State who shall keep an account of each bond showing
24 the number thereof, the name of the successful bidder
25 to whom sold, the amount received for the bond, the
26 date of sale and the date when payable.

27 Sec. 8. Sale, how negotiated; proceeds appropri-
28 ated. The Treasurer of State may negotiate the sale
29 of the bonds by direction of the Governor, but no
30 such bond may be loaned, pledged or hypothecated in
31 behalf of the State. The proceeds of the sale of the
32 bonds, which shall be held by the Treasurer of State
33 and paid by him upon warrants drawn by the Governor,
34 are appropriated to be used solely for the purposes
35 set forth in this Act. Any unencumbered balances
36 remaining at the completion of the projects in sec-
37 tions 11 to 15 shall lapse to the debt service ac-
38 count established for the retirement of these bonds.

39 Sec. 9. Interest and debt retirement. Interest
40 due or accruing upon any bonds issued under this Act
41 and all sums coming due for payment of bonds at matu-
42 rity shall be paid by the Treasurer of State.

1 **Sec. 10. Disbursement of bond proceeds.** The
2 proceeds of the bonds shall be expended under the
3 direction and supervision of the State Director of
4 Public Improvements, except for the following areas:

5 **1. Hazardous waste clean-up.** Hazardous waste
6 clean-up shall be expended under the direction of the
7 Commissioner of Environmental Protection solely for
8 on-site labor and materials for cleaning and
9 restoring land and water contaminated by hazardous
10 substances and related transportation and removal
11 costs;

12 **2. Water pollution control.** Water pollution
13 control, which shall be under the direction and
14 supervision of the Commissioner of Environmental Pro-
15 tection; and

16 **3. Community development.** Community develop-
17 ment, which shall be under the direction and super-
18 vision of the Director of State Planning.

19 **Sec. 11. Allocations from General Fund bond**
20 **issue; hazardous wastes and water pollution control.**
21 The funds allocated by this section shall be expended
22 for the following:

23 ENVIRONMENTAL PROTECTION,
24 DEPARTMENT OF

25 Hazardous Waste Cleanup Fund \$2,000,000

26 Any funds recovered from other
27 parties in relation to hazardous
28 waste clean-up for which funds
29 allocated in this section have
30 been expended shall revert to
31 the General Fund debt service
32 account.

33 Water Pollution Control 2,500,000

34 **Sec. 12. Allocation from General Fund bond**
35 **issue; correctional facilities.** The funds allocated
36 by this section shall be expended for the following:

37 CORRECTIONS, DEPARTMENT OF

1 Correctional Facilities \$7,500,000

2 The funds allocated in this
3 section are for the following
4 projects:

5	Program Space - Maine Correc-	\$ 750,000
6	tional Center	
7	Female Unit - Maine Correc-	2,500,000
8	tional Center	
9	Perimeter Security - Maine	750,000
10	Correctional Center	
11	Segregation and Receiving Unit	1,925,000
12	- Maine Correctional Center	
13	Medium Security Unit - Maine	1,000,000
14	Correctional Center	
15	Add on Beds - Dorm III - Maine	105,000
16	Correctional Center	
17	Segregation - Charleston Cor-	270,000
18	rectional Facility	
19	Planning and Engineering Costs	200,000
20		<u>\$7,500,000</u>

21 Sec. 13. Allocation from General Fund bond
22 issue; historic preservation. The funds allocated by
23 this section shall be expended for the following:

24 EDUCATIONAL AND CULTURAL SERVICES,
25 DEPARTMENT OF

26 Restoration and preservation of \$1,500,000
27 historic buildings, various sites,
28 statewide

29 Sec. 14. Allocation from General Fund bond
30 issue; community development. The funds allocated by
31 this sections shall be expended for the following:

32 EXECUTIVE DEPARTMENT

33 State Planning Office

34	Community Development	\$2,000,000
35	Block Grant Program	

36 Sec. 15. Allocations from General Fund bond
37 issue; capital construction program. The funds allo-

1 cated by this section shall be expended for the fol-
2 lowing:

3	<u>PUBLIC SAFETY, DEPARTMENT OF</u>	\$1,494,000
4	Crime lab and morgue construc-	
5	tion, Augusta	
6	<u>JUDICIAL DEPARTMENT</u>	\$1,100,000
7	District Court combination,	
8	Bath-Brunswick	
9	District Court relocation,	
10	Skowhegan	
11	<u>FINANCE AND ADMINISTRATION,</u>	
12	<u>DEPARTMENT OF</u>	\$3,000,000
13	Renovations and improvements to	
14	state parks; major projects at	
15	various state correctional fac-	
16	ilities; renovations and improve-	
17	ments at vocational-technical	
18	institutes statewide; various	
19	projects at state armories; renova-	
20	tions and improvements at state	
21	mental health and mental retarda-	
22	tion facilities; major projects at	
23	other state facilities and loca-	
24	tions statewide.	
25	Total	\$5,594,000

26 **Sec. 16. Transfer between items.** The amount
27 listed after each item is to be construed as a guide.
28 Within each section, sections 11 to 15, any one or
29 more amounts may be exceeded with the approval of the
30 Governor by transfer from one item to another not
31 exceeding 10% in the aggregate.

32 **Sec. 17. Bonds authorized but not issued.** Any
33 bonds authorized but not issued, or for which bond
34 anticipation notes have not been issued within 5
35 years of the ratification of this Act, shall be
36 deauthorized and may not be issued, provided that the
37 Legislature may, within 2 years after the expiration

1 of that 5-year period, extend the period for issuing
2 any remaining unissued bonds or bond anticipation
3 notes for an additional amount of time not to exceed
4 5 years. This section shall not apply to the water
5 pollution control bonds in section 11.

6 **Sec. 18. Unexpended bond proceeds.** Any bond
7 proceeds which have not been expended 10 years after
8 the date of the sale of the bonds shall lapse to the
9 General Fund debt service account.

10 **Sec. 19. Contingent upon ratification of bond**
11 **issue.** Sections 6 to 15 shall not become effective
12 unless and until the people of the State have rati-
13 fied the issuance of bonds as set forth in this Act.

14 **Sec. 20. Availability of matching funds.** It is
15 the intent of the Legislature that any of the
16 improvements identified in this Act for which match-
17 ing funds are required as indicated in federal law or
18 state law or department programs shall have those
19 matching funds available before state money is
20 expended on the improvement. It is further the
21 intent of the Legislature that any matching funds so
22 received shall be expended in accordance with the
23 plans on which these improvements are based, notwith-
24 standing any legislative allocation limit.

25 **Sec. 21. Appropriation balances at year end.** At
26 the end of each fiscal year, all unencumbered appro-
27 priation balances representing state moneys shall
28 carry forward from year to year.

29 **Sec. 22. Statutory referendum procedure; submis-**
30 **sion at statewide election; form of question; effec-**
31 **tive date.** This Act shall be submitted to the legal
32 voters of the State at a statewide election to be
33 held on the Tuesday following the first Monday of
34 November following passage of this Act. The city
35 aldermen, town selectmen and plantation assessors of
36 this State shall notify the inhabitants of their
37 respective cities, towns and plantations to meet, in
38 the manner prescribed by law for holding a statewide
39 election, to vote on the acceptance or rejection of
40 this Act by voting on the following question:

41 "Shall a bond issue be authorized in the amount

1 of \$21,094,000 to provide for various state facilities' projects and to provide for municipal facility
2 improvements including: Necessary capital improvements at corrections' facilities; stabilization restoration
3 of the state's most unique historic structures which are in public or nonprofit ownerships,
4 such as forts, mansions, theaters, ships and lighthouses; a broad range of projects for improving,
5 constructing, renovating, equipping and furnishing state departments' physical plant facilities, ranging
6 from new District Courts for the Bath-Brunswick and Skowhegan areas to the repair of roofs, masonry and
7 boilers on a statewide priority basis; hazardous waste cleanup; water pollution control projects; and
8 establishment of a public facilities' grants program to assist municipalities in meeting their capital
9 needs?"

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

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

36 FISCAL NOTE

37 The total cost is estimated to be \$40,806,343.
38 This amount includes interest calculated at 8.90% over 20 years on \$21,094,000 of bonds authorized by
39 this new draft.
40

1 STATEMENT OF FACT

2 This new draft provides for a bond issue in the
3 amount of \$21,094,000 for construction, renovation
4 and improvements of state facilities and for con-
5 struction and improvements of municipal facilities.

6 The Department of Environmental Protection will
7 receive \$2,000,000 for hazardous waste cleanup and
8 \$2,500,000 for water pollution control.

9 The Department of Corrections will receive \$7.5
10 million for capital improvements at correctional
11 facilities.

12 The Department of Educational and Cultural Ser-
13 vices will receive \$1.5 million to stabilize and
14 restore the most unique historic structures of Maine,
15 all of which are in public or nonprofit ownership.
16 These include forts, mansions, theaters, ships,
17 lighthouses and other interesting units which con-
18 tribute significantly to the tourist industry and are
19 a valuable educational and cultural resource for all
20 Maine people. All of these facilities will be open
21 to the public.

22 The Executive Department will receive \$2.0 mil-
23 lion to be used for public facilities' grants to
24 municipalities. This program of public facilities'
25 grants will be administered by the State Planning
26 Office through its Community Development Block Grant
27 Program which has been highly successful in assisting
28 municipalities with their facilities' needs.

29 Several departments will receive portions of
30 \$5,594,000 for various essential repairs, renovations
31 and construction.

32 This new draft also deauthorizes the unused por-
33 tions of 4 bond issues that amount to \$1,535,000.

34 4726090183