

# MAINE STATE LEGISLATURE

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(After Deadline)

SECOND REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 2116

S.P. 791

In Senate, February 23, 1984

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Referred to the Committee on Transportation. Sent down for concurrence and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Kany of Kennebec.

Cosponsors: Senator Twitchell of Oxford, Representative Mitchell of Vassalboro and Representative Daggett of Manchester.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-FOUR

AN ACT to Authorize a Bond Issue in the Amount of \$3,000,000 for the Improvement and Reconstruction of Town Bridges and Their Approaches Located on State Aid Roads.

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 improvement and reconstruction of town bridges and their approaches located on state aid roads.

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

Sec. 1. 23 MRSA §401 is amended to read:

§401. Construction, reconstruction and improvement

1           The construction, reconstruction and improvement  
2 of all bridges on state highways and state aid roads,  
3 and all approaches thereto, shall be borne wholly by  
4 the State.

5           Sec. 2. 23 MRSA §402 is amended to read:

6           §402. Maintenance

7           The cost of maintenance of all bridges on state  
8 highways state aid roads, and all approaches thereto,  
9 shall be borne wholly by the State.

10          Sec. 3. 23 MRSA c. 9, sub-c. III is repealed.

11          Sec. 4. Town bridges on state aid roads. As a  
12 result of a recent and major reclassification of road  
13 responsibility conducted by the Department of Trans-  
14 portation under the Local Road Assistance Program,  
15 responsibilities for 3,000 miles of local roads have  
16 been realigned. The State has assumed responsibility  
17 for approximately 129.24 miles of local roads that  
18 were previously maintained by towns, but the State  
19 did not initiate legislative action to shift respon-  
20 sibility for bridges on those local roads to state  
21 control. This bond issue proposal provides the re-  
22 sources for the State to assume responsibility for  
23 improvement and reconstruction of 108 town bridges  
24 which presently remain under the jurisdiction of  
25 Maine municipalities.

26          Sec. 5. Bond issue authorized. The Treasurer of  
27 State may, under the direction of the Governor, issue  
28 from time to time serial coupon bonds in the name and  
29 on behalf of the State to an amount not exceeding  
30 \$3,000,000 for the purpose of raising funds to im-  
31 prove and reconstruct town bridges and their ap-  
32 proaches located on state aid roads. These bonds  
33 shall be deemed a pledge of the faith and credit of  
34 the State. These bonds shall not run for a longer  
35 period than 5 years from the date of the original is-  
36 sue thereof. Any issuance of bonds may contain a  
37 call feature at the discretion of the Treasurer of  
38 State with the approval of the Governor. Any bonds  
39 authorized but not issued, or for which bond antici-  
40 pation notes have not been issued within 5 years of  
41 the ratification of this Act, shall be deauthorized

1 and may not be issued, provided that the Legislature  
2 may, within 2 years after the expiration of that  
3 5-year period, extend the period for issuing any re-  
4 maining unissued bonds or bond anticipation notes for  
5 an additional amount of time not to exceed 5 years.

6       Sec. 6. Records of bonds issued to be kept by  
7 the State Auditor and the Treasurer of State. The  
8 State Auditor shall keep an account of these bonds,  
9 showing the number and amount of each, the date of  
10 countersigning, the date when payable and the date of  
11 delivery thereof to the Treasurer of State, who shall  
12 keep an account of each bond, showing the number  
13 thereof, the name of the person to whom sold, the  
14 amount received from the same, the date of sale and  
15 the date when payable.

16       Sec. 7. Sale; how negotiated; proceeds appropri-  
17 ated. The Treasurer of State may negotiate the sale  
18 of these bonds by direction of the Governor, but no  
19 such bond may be loaned, pledged or hypothecated in  
20 behalf of the State. The proceeds of sales of these  
21 bonds, which shall be held by the Treasurer of State  
22 and paid by him upon warrants drawn by the Governor,  
23 are appropriated to be used solely for the purposes  
24 set forth in this Act. Any unencumbered balances re-  
25 maining at the completion of the projects listed in  
26 section 4 shall lapse to the debt service account es-  
27 tablished for the retirement of these bonds.

28       Sec. 8. Interest and debt retirement. Interest  
29 due or accruing upon any bonds issued under this Act  
30 and all sums coming due for payment of bonds at matu-  
31 rity shall be paid by the Treasurer of State.

32       Sec. 9. Disbursement of bond proceeds. The pro-  
33 ceeds of these bonds shall be expended under the di-  
34 rection and supervision of the Commissioner of Trans-  
35 portation, with the approval of the Governor.

36       Sec. 10. Other sources of funds. This Act shall  
37 not in any manner preclude the Treasurer of State  
38 from accepting from any authorized agency of the Fed-  
39 eral Government or other nonstate sources construc-  
40 tion aid fund grants, debt service grant funds or  
41 other grants for the planning, construction, equip-  
42 ping or property acquisition for any of the projects

1 provided for in this Act, or from entering into  
2 agreements with such agency or agencies respecting  
3 any such grants.

4 Sec. 11. Proceeds of bonds not available for  
5 other purposes must be kept separate from other  
6 funds. The proceeds of all bonds issued under the  
7 authority of this Act and the funds made available  
8 for interest and debt retirement thereunder shall at  
9 all times be kept distinct from all other moneys of  
10 the State and shall not be drawn upon or be available  
11 for any other purposes.

12 Sec. 12. Allocation of a Highway Fund bond issue  
13 for improvement and reconstruction of town way  
14 bridges and their approaches located on state aid  
15 roads. Proceeds from the sale of bonds shall be des-  
16 ignated in the following schedule:

17		<u>1984-85</u>
18	TRANSPORTATION, DEPARTMENT OF	
19	Highway-Town Bridge	
20	Improvements	\$3,000,000

21 Sec. 13. Appropriation balances at year end. At  
22 the end of each fiscal year, all unencumbered appro-  
23 priation balances representing state moneys shall  
24 carry forward from year to year.

25 Sec. 14. Contingent upon ratification of bond  
26 issue. Sections 1 to 13 of this Act shall not become  
27 effective unless and until the people of the State  
28 shall have ratified the issuance of bonds as set  
29 forth in this Act.

30 Sec. 15. Statutory referendum procedure; submis-  
31 sion at general election; form of question; effective  
32 date. This Act shall be submitted to the legal vot-  
33 ers of the State at the next general election in the  
34 month of November following passage of this Act. The  
35 city aldermen, town selectmen and plantation asses-  
36 sors of this State shall notify the inhabitants of  
37 their respective cities, towns and plantations to  
38 meet, in the manner prescribed by law for holding a  
39 statewide election, to vote on the acceptance or re-

1 jection of this Act by voting on the following ques-  
2 tion:

3 "Shall the State provide funds to improve and re-  
4 construct town bridges and their approaches lo-  
5 cated on state aid roads by issuing bonds in the  
6 amount of \$3,000,000?"

7 The legal voters of each city, town and  
8 plantation shall vote by ballot on this question, and  
9 shall designate their choice by a cross or check mark  
10 placed within a corresponding square below the word  
11 "Yes" or "No." The ballots shall be received,  
12 sorted, counted and declared in open ward, town and  
13 plantation meetings and returns made to the Secretary  
14 of State in the same manner as votes for members of  
15 the Legislature. The Governor shall review the re-  
16 turns and, if it appears that a majority of the legal  
17 votes are in favor of the Act, the Governor shall  
18 proclaim that fact without delay, and the Act shall  
19 become effective 30 days after the date of the proc-  
20 lamation.

21 The Secretary of State shall prepare and furnish  
22 to each city, town and plantation all ballots, re-  
23 turns and copies of this Act necessary to carry out  
24 the purpose of this referendum.

25 STATEMENT OF FACT

26 The purpose of this bill is to authorize a bond  
27 issue in the amount of \$3,000,000 for the improvement  
28 and reconstruction of town bridges and their ap-  
29 proaches on state aid roads. Under this bill, the  
30 Department of Transportation shall be responsible for  
31 improving and reconstructing existing town bridges  
32 and their approaches located on state aid roads. The  
33 estimated cost for bridge rehabilitation is  
34 \$3,000,000, which shall be taken and appropriated  
35 from the proceeds of any bonds issued pursuant to  
36 this bill, contingent upon passage of the referendum  
37 question.

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