

MAINE STATE LEGISLATURE

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(EMERGENCY)

SECOND REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 2340

H.P. 1772

House of Representatives, March 22, 1984

Referred to the Committee on Appropriations and Financial Affairs. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Carroll of Gray.

Cosponsors: Senator Twitchell of Oxford and Senator Dow of Kennebec.

STATE OF MAINE

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

AN ACT To Authorize a General Fund Bond Issue in the Amount of \$15,735,000 to Plan, Construct and Equip Pollution Abatement Facilities and to Abate, Clean Up and Mitigate Threats to Public Health and the Environment from Uncontrolled Hazardous Substance Sites.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, there is an immediate need for the planning, construction and equipping of pollution abatement facilities; and

Whereas, there is already scheduled an election in June, 1984, at which time the electorate could vote upon ratification of the bond issue authorized in this Act; and

1 Whereas, if the bond issue is ratified in June,
2 1984, construction could begin during the 1984 con-
3 struction season; and

4 Whereas, in the judgment of the Legislature,
5 these facts create an emergency within the meaning of
6 the Constitution of Maine and require the following
7 legislation as immediately necessary for the preser-
8 vation of the public peace, health and safety; now,
9 therefore,

10 **Preamble.** Two thirds of both Houses of the Leg-
11 islature deeming it necessary in accordance with the
12 Constitution of Maine, Article IX, Section 14, to au-
13 thorize the issuance of bonds on behalf of the State
14 to plan, construct and equip pollution abatement fa-
15 cilities and to abate, clean up and mitigate threats
16 to public health and the environment from uncontrol-
17 led hazardous substance sites.

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

20 **Sec. 1.** Issue of bonds to plan, construct and
21 equip pollution abatement facilities and to abate,
22 clean up and mitigate threats to public health and
23 the environment from uncontrolled hazardous substance
24 sites. The Treasurer of State may, under the direc-
25 tion of the Governor, issue from time to time serial
26 coupon bonds in the name and in behalf of the State
27 to an amount not exceeding \$15,735,000, for the pur-
28 pose of raising funds to plan, construct and equip
29 pollution abatement facilities and to abate, clean up
30 and mitigate threats to public health and the envi-
31 ronment from uncontrolled hazardous substance sites
32 as authorized by sections 6 and 7. The bonds shall
33 be deemed a pledge of the faith and credit of the
34 State. The bonds shall not run for a longer period
35 than 20 years from the date of the original issue
36 thereof. Any issuance of bonds may contain a call
37 feature at the discretion of the Treasurer of State
38 with the approval of the Governor.

39 **Sec. 2.** Records of bonds issued to be kept by
40 the State Auditor and Treasurer of State. The State
41 Auditor shall keep an account of the bonds, showing

1 the number and amount of each, the date when payable
2 and the date of delivery thereof to the Treasurer of
3 State, who shall keep an account of each bond showing
4 the number thereof, the name of the successful bidder
5 to whom sold, the amount received for the same, the
6 date of sale and the date when payable.

7 **Sec. 3. Sale, how negotiated; proceeds appropri-**
8 **ated.** The Treasurer of State may negotiate the sale
9 of the bonds by direction of the Governor, but no
10 such bond may be loaned, pledged or hypothecated in
11 behalf of the State. The proceeds of the sale of
12 these bonds, which shall be held by the Treasurer of
13 State and paid by him upon warrants drawn by the Gov-
14 ernor, are appropriated to be used solely for the
15 purposes set forth in this Act. Any unencumbered
16 balances remaining at the completion of the projects
17 in sections 6 and 7 shall lapse to the debt service
18 account established for the retirement of these
19 bonds.

20 **Sec. 4. Interest and debt retirement.** Interest
21 due or accruing upon any bonds issued under this Act
22 and all sums coming due for payment of bonds at matu-
23 rity shall be paid by the Treasurer of State.

24 **Sec. 5. Disbursement of bonds' proceeds.** The
25 proceeds of the bonds shall be expended under the di-
26 rection and supervision of the Commissioner of Envi-
27 ronmental Protection.

28 **Sec. 6. Allocations from General Fund bond issue**
29 **- pollution abatement.** The following funds shall be
30 allocated from the proceeds of the General Fund bond
31 issue for pollution abatement.

32 ENVIRONMENTAL PROTECTION, DEPARTMENT OF

33 Pollution Abatement Fund \$12,500,000

34 **Sec. 7. Allocations from General Fund bond issue**
35 **- hazardous waste.** The following funds shall be al-
36 located from the proceeds of the General Fund bond
37 issue for hazardous waste.

38 ENVIRONMENTAL PROTECTION, DEPARTMENT OF

1 Hazardous Waste Clean Up Fund \$3,235,000

2 Sec. 8. Contingent upon ratification of bond is-
3 sue. Sections 1 to 7 shall not become effective un-
4 less and until the people of the State have ratified
5 the issuance of bonds as set forth in this Act.

6 Sec. 9. Appropriation balances at year end. At
7 the end of each fiscal year, all unencumbered appro-
8 priation balances representing state moneys shall
9 carry forward from year to year.

10 Sec. 10. Statutory referendum procedure; submis-
11 sion at statewide election; emergency clause. This
12 Act shall be submitted to the legal voters of the
13 State at a statewide election to be held at the pri-
14 mary election to be held on the 2nd Tuesday of June
15 following passage of this Act. The city aldermen,
16 town selectmen and plantation assessors of this State
17 shall notify the inhabitants of their respective
18 cities, towns and plantations to meet in the manner
19 prescribed by law for holding a statewide election to
20 vote on the acceptance or rejection of this Act by
21 voting on the following question:

22 "Do you favor a \$15,735,000 bond issue to clean
23 up polluted waters and hazardous waste?"

24 The legal voters of each city, town and
25 plantation shall vote by ballot on this question and
26 shall designate their choice by a cross or check mark
27 placed within a corresponding square below the word
28 "Yes" or "No." The ballots shall be received,
29 sorted, counted and declared in open ward, town and
30 plantation meetings and returns made to the Secretary
31 of State in the same manner as votes for members of
32 the Legislature. The Governor shall review the re-
33 turns, and, if it appears that a majority of the le-
34 gal voters are in favor of the Act, the Governor
35 shall proclaim that fact without delay, and the Act
36 shall become effective 30 days after the date of the
37 proclamation.

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

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STATEMENT OF FACT

This bill provides for a bond issue in the amount of \$15,735,000 to plan, construct and equip pollution abatement facilities and to abate, clean up and mitigate threats to public health and the environment from uncontrolled hazardous substance sites.

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