

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1356

H.P. 1009 House of Representatives, April 28, 1987  
Reported by Representative MICHAUD from the Committee on  
Energy and Natural Resources pursuant to Private and Special  
Law 1985, Chapter 137.

Reference to the Joint Standing Committee on Energy and  
Natural Resources suggested and printing ordered under Joint  
Rule 18.

EDWIN H. PERT, Clerk

STATE OF MAINE

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

1           **AN ACT to Authorize a General Fund Bond Issue**  
2           **in the Amount of \$40,000,000 to Protect**  
3           **Ground Water Quality and Public Health**  
4           **Through the Cleanup and Closure of**  
5           **Municipal and Abandoned Solid Waste**  
6           **Landfills.**  
7

8           **Preamble.** Two thirds of both Houses of the Leg-  
9           islature deeming it necessary in accordance with the  
10          Constitution of Maine, Article IX, Section 14, to au-  
11          thorize the issuance of bonds on behalf of the State  
12          of Maine to provide funds for the remediation and  
13          closure of solid waste landfills.

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

1           **Sec. 1. Authorization of bonds to provide for**  
2 **the remediation and closure of solid waste landfills.**  
3 The Treasurer of State is authorized, under the dis-  
4 cretion of the Governor, to issue from time to time  
5 registered bonds in the name and behalf of the State  
6 to an amount not exceeding \$40,000,000 for the pur-  
7 pose of raising funds to provide for the remediation  
8 and closure of solid waste landfills, including mu-  
9 nicipal and abandoned landfills, as authorized by  
10 section 6. The bonds shall be deemed a pledge of the  
11 full faith and credit of the State. The bonds shall  
12 not run for a longer period than 10 years from the  
13 date of the original issue of the bonds. Any issu-  
14 ance of bonds may contain a call feature at the dis-  
15 cretion of the Treasurer of State with the approval  
16 of the Governor.

17           **Sec. 2. Records of bonds issued to be kept by**  
18 **the State Auditor and Treasurer of State.** The State  
19 Auditor shall keep an account of the bonds, showing  
20 the number and amount of each, the date when payable  
21 and the date of delivery of the bonds to the Treasur-  
22 er of State who shall keep an account of each bond  
23 showing the number of the bond, the name of the suc-  
24 cessful bidder to whom sold, the amount received for  
25 the same, the date of sale and the date when payable.

26           **Sec. 3. Sale; how negotiated; proceeds appropri-**  
27 **ated.** The Treasurer of State may negotiate the sale  
28 of the bonds by direction of the Governor, but no  
29 such bond may be loaned, pledged or hypothecated in  
30 behalf of the State. The proceeds of the sale of the  
31 bonds, which shall be held by the Treasurer of State  
32 and paid by him upon warrants drawn by the State Con-  
33 troller, are appropriated to be used solely for the  
34 purposes set forth in this Act. Any unencumbered  
35 balances remaining at the completion of the project  
36 in section 6 shall lapse to the debt service account  
37 established for the retirement of these bonds.

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

42           **Sec. 5. Disbursement of bond proceeds.** The pro-  
43 ceeds of the bonds set out in section 6 shall be ex-

1       pended under the direction and supervision of the De-  
2       partment of Environmental Protection.

3               **Sec. 6. Allocation from General Fund bond issue;**  
4       **remediation and closure of solid waste landfills.**  
5       The proceeds of the sale of bonds shall be expended  
6       as follows:

7       ENVIRONMENTAL PROTECTION,  
8       DEPARTMENT OF

9	Site Evaluation and	\$10,000,000
10	Planning Program	
11	Municipal Implementa-	25,000,000
12	tion Grants Program	
13	Abandoned Sites	5,000,000
14	Remediation Program	
15		
16	Total	<u>\$40,000,000</u>

17               **Sec. 7. Contingent upon ratification of bond is-**  
18       **sue. Sections 1 to 6 shall not become effective un-**  
19       **less and until the people of the State have ratified**  
20       **the issuance of bonds as set forth in this Act.**

21               **Sec. 8. Appropriation balances at year end. At**  
22       **the end of each fiscal year, all unencumbered appro-**  
23       **priation balances representing state money shall car-**  
24       **ry forward from year to year. Bond proceeds which**  
25       **have not been expended within 10 years after the date**  
26       **of the sale of the bonds shall lapse to General Fund**  
27       **debt service.**

28               **Sec. 9. Bonds authorized but not issued. Any**  
29       **bonds authorized but not issued, or for which bond**  
30       **anticipation notes have not been issued within 5**  
31       **years of ratification of this Act, shall be**  
32       **deauthorized and may not be issued, provided that the**  
33       **Legislature may, within 2 years after the expiration**  
34       **of that 5-year period, extend the period for issuing**  
35       **any remaining unissued bonds or bond anticipation**  
36       **notes for an additional amount of time not to exceed**  
37       **5 years.**

1       **Sec. 10. Statutory referendum procedure; submis-**  
2 **sion at statewide election; form of question; effec-**  
3 **tive date.** This Act shall be submitted to the legal  
4 voters of the State of Maine at a statewide election  
5 to be held on the Tuesday following the first Monday  
6 of November following passage of this Act. The city  
7 aldermen, town selectmen and plantation assessors of  
8 this State shall notify the inhabitants of their re-  
9 spective cities, towns and plantations to meet, in  
10 the manner prescribed by law for holding a statewide  
11 election, to vote on the acceptance or rejection of  
12 this Act by voting on the following question:

13               "Do you favor a \$40,000,000 bond issue for clean-  
14 ing up and closing solid waste landfills that  
15 pose a hazard to public health and to ground wa-  
16 ter quality?"

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

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

35                               **STATEMENT OF FACT**

36       This bill is introduced at the recommendation of  
37 the Joint Standing Committee on Energy and Natural  
38 Resources pursuant to its study of solid waste prob-  
39 lems in Maine. The study was authorized by Private  
40 and Special Law 1985, chapter 137.

1           The funds provided by this bond issue, in the  
2 amount of \$40,000,000, will be used to support a  
3 joint state-local cleanup (remediation) and closure  
4 program for solid waste landfills throughout the  
5 State, including existing municipal landfills and  
6 abandoned or improperly closed landfills of any own-  
7 ership. Many of these landfills pose serious hazards  
8 to the environment and to public health, primarily  
9 through ground water contamination.

10           The committee has introduced companion legisla-  
11 tion to provide complete statutory authority for the  
12 Department of Environmental Protection to evaluate  
13 the level of risk at individual sites, develop clo-  
14 sure and remediation plans in cooperation with munic-  
15 ipalities and to implement those plans. Remediation  
16 and closure of municipal landfills are eligible for  
17 substantial cost-sharing grants (up to 90%). The de-  
18 partment is authorized to recover the costs of  
19 remediation and closure of abandoned or improperly  
20 closed private landfills from the persons responsible  
21 for those sites.

22           The department's operating costs to manage the  
23 program will be provided as a separate appropriation  
24 in the main study legislation.

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