

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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Legislative Document

No. 318

H.P. 234

House of Representatives, February 22, 1989

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

*Ed Pert*

EDWIN H. PERT, Clerk

Presented by Representative WHITCOMB of Waldo.

Cosponsored by Representative LOOK of Jonesboro, Representative HIGGINS of Scarborough and Senator ANDREWS of Cumberland.

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STATE OF MAINE

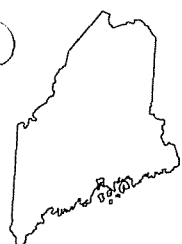
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-NINE

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An Act to Assist Municipalities with Respect to Harbor Improvements.

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1           E. Any other money available for uses pursuant to this  
3           subchapter.

5           §4433. Application of fund

7           Money in the fund shall be made available on a matching  
9           basis to municipalities for harbor improvements. The municipal  
11           cost share of an eligible project shall not exceed 20% of the  
13           total nonfederal cost. The remaining cost may be financed from  
15           the Maine Harbor Improvements Fund. Money in the fund shall be  
17           used in accordance with the provisions of this section.

19           1. Harbor improvements. Money in the fund shall be used  
21           for harbor improvements as defined in section 4431. Harbor  
23           improvements may not include marinas and similar recreational  
25           facilities.

27           2. Nonrecreational use. If a harbor improvement has a  
29           recreational use, the harbor improvement is eligible for  
31           financing under this subchapter only if the recreational use  
33           constitutes less than 20% of total use of the facility or  
35           structure. A dredging project is eligible only if the primary  
37           purpose is for nonrecreational use.

39           3. Public ownership. Money in the fund shall be used for  
41           the construction, rehabilitation and improvement of publicly  
43           owned harbor facilities, structures and other improvements,  
45           including navigation. Money in the fund may be used to purchase  
47           privately owned harbor facilities and structures for use by the  
49           public.

51           §4434. Fund accounts

The department may divide the fund into separate accounts to  
          accomplish the purposes of this subchapter.

§4435. Analysis and evaluation

The department shall inventory the publicly owned harbor  
          facilities and structures and analyze their impact on the  
          municipality and the State. The department also shall analyze  
          proposed new publicly owned harbor facilities and structures to  
          determine their impact for the purposes of this subchapter.

1. Priorities. The department shall establish priorities  
          for proposed construction, rehabilitation or improvement of  
          harbor facilities, structures and other harbor improvements. In  
          determining these priorities the department shall consult with  
          the Department of Economic and Community Development, the State  
          Planning Office and the Department of Marine Resources.

1  
2. Consistency. Harbor improvements funded under this  
3 subchapter shall be consistent with:

5 A. The State's economic development strategy;

7 B. The coastal zone management programs of the State; and

9 C. Port development strategies.

11 **Sec. 2. Authorization of bonds to provide for harbor improvements.**

12 The Treasurer of State is authorized, under the direction of the  
13 Governor, to issue from time to time registered bonds in the name  
14 and behalf of the State to an amount not exceeding \$10,000,000  
15 for the purpose of raising funds to provide for harbor  
16 improvements as authorized by section 7. The bonds shall be  
17 deemed a pledge of the full faith and credit of the State. The  
18 bonds shall not run for a longer period than 15 years from the  
19 date of the original issue of the bonds. Any issuance of bonds  
20 may contain a call feature at the discretion of the Treasurer of  
21 State with the approval of the Governor.

23 **Sec. 3. Records of bonds issued to be kept by the State Auditor and**  
24 **Treasurer of State.** The State Auditor shall keep an account of the  
25 bonds, showing the number and amount of each, the date when  
26 payable and the date of delivery of the bonds to the Treasurer of  
27 State who shall keep an account of each bond showing the number  
28 of the bond, the name of the successful bidder to whom sold, the  
29 amount received for the same, the date of sale and the date when  
30 payable.

31 **Sec. 4. Sale; how negotiated; proceeds appropriated.** The  
32 Treasurer of State may negotiate the sale of the bonds by  
33 direction of the Governor, but no such bond may be loaned,  
34 pledged or hypothecated on behalf of the State. The proceeds of  
35 the sale of the bonds, which shall be held by the Treasurer of  
36 State and paid by the Treasurer upon warrants drawn by the State  
37 Controller, are appropriated to be used solely for the purposes  
38 set forth in this Act. Any unencumbered balances remaining at  
39 the completion of the project in section 7 shall lapse to the  
40 debt service account established for the retirement of these  
41 bonds.

43 **Sec. 5. Interest and debt retirement.** Interest due or accruing  
44 upon any bonds issued under this Act and all sums coming due for  
45 payment of bonds at maturity shall be paid by the Treasurer of  
46 State.

49 **Sec. 6. Disbursement of bond proceeds.** The proceeds of the  
50 bonds set out in section 7 shall be expended under the direction  
51 and supervision of the Department of Transportation.

1           **Sec. 7. Allocations from General Fund bond issue; harbor**  
2 **improvements.** The proceeds of the sale of bonds shall be  
3 expended as designated in the following schedule.

4           Harbor improvements                                 \$10,000,000

5  
6           **Sec. 8. Contingent upon ratification of bond issue.** Sections 1 to 7  
7 shall not become effective unless and until the people of the  
8 State have ratified the issuance of bonds as set forth in this  
9 Act.

10  
11           **Sec. 9. Appropriation balances at year end.** At the end of each  
12 fiscal year, all unencumbered appropriation balances representing  
13 state money shall carry forward from year to year. Bond proceeds  
14 which have not been expended within 10 years after the date of  
15 the sale of the bonds shall lapse to General Fund debt service.

16  
17           **Sec. 10. Bonds authorized but not issued.** Any bonds authorized  
18 but not issued, or for which bond anticipation notes have not  
19 been issued within 5 years of ratification of this Act, shall be  
20 deauthorized and may not be issued, provided that the Legislature  
21 may, within 2 years after the expiration of that 5-year period,  
22 extend the period for issuing any remaining unissued bonds or  
23 bond anticipation notes for an additional amount of time not to  
24 exceed 5 years.

25  
26           **Sec. 11. Statutory referendum procedure; submission at statewide**  
27 **election; form of question; effective date.** This Act shall be submitted  
28 to the legal voters of the State of Maine at a statewide election  
29 to be held on the Tuesday following the first Monday of November  
30 following passage of this Act. The city aldermen, town selectmen  
31 and plantation assessors of this State shall notify the  
32 inhabitants of their respective cities, towns and plantations to  
33 meet, in the manner prescribed by law for holding a statewide  
34 election, to vote on the acceptance or rejection of this Act by  
35 voting on the following question:

36           "Shall a \$10,000,000 bond issue be approved to provide for  
37 harbor improvements?"

38  
39           The legal voters of each city, town and plantation shall  
40 vote by ballot on this question and shall designate their choice  
41 by a cross or check mark placed within a corresponding square  
42 below the word "Yes" or "No." The ballots shall be received,  
43 sorted, counted and declared in open ward, town and plantation  
44 meetings and returns made to the Secretary of State in the same  
45 manner as votes for members of the Legislature. The Governor  
46 shall review the returns and, if it appears that a majority of  
47 the legal voters are in favor of the Act, the Governor shall  
48 proclaim that fact without delay, and the Act shall become  
49 effective 30 days after the date of the proclamation.  
50  
51

