

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 673

H.P. 493

House of Representatives, March 7, 1989

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

A handwritten signature in cursive script that reads 'Ed Pert'.

EDWIN H. PERT, Clerk

Presented by Representative MICHAUD of East Millinocket.

Cosponsored by Senator PEARSON of Penobscot, Representative McGOWAN of Canaan and Representative CARTER of Winslow.

STATE OF MAINE

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

An Act to Authorize a General Fund Bond Issue in the Amount of \$25,000,000 to Protect Ground Water Quality and Public Health through the Cleanup and Closure of Municipal and Abandoned Solid Waste Landfills.



1 **Preamble.** Two thirds of both Houses of the Legislature
2 deeming it necessary in accordance with the Constitution of
3 Maine, Article IX, Section 14, to authorize the issuance of bonds
4 on behalf of the State of Maine to provide funds for the
5 Department of Environmental Protection's program of landfill
6 remediation and closure and to fund direct grants to
7 municipalities pursuant to this program.

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

11 **Sec. 1. Authorization of bonds to provide funds for the Department of**
12 **Environmental Protection's program of landfill remediation and closure and**
13 **to fund direct grants to municipalities.** The Treasurer of State is
14 authorized, under the direction of the Governor, to issue from
15 time to time registered bonds in the name and behalf of the State
16 to an amount not exceeding \$25,000,000 for the purpose of raising
17 funds for the Department of Environmental Protection's program of
18 landfill remediation and closure and to fund direct grants to
19 municipalities as authorized by section 6. The bonds shall be
20 deemed a pledge of the full faith and credit of the State. The
21 bonds shall not run for a longer period than 20 years from the
22 date of the original issue of the bonds. Any issuance of bonds
23 may contain a call feature at the discretion of the Treasurer of
24 State with the approval of the Governor.

25 **Sec. 2. Records of bonds issued to be kept by the State Auditor and**
26 **Treasurer of State.** The State Auditor shall keep an account of the
27 bonds, showing the number and amount of each, the date when
28 payable and the date of delivery of the bonds to the Treasurer of
29 State who shall keep an account of each bond showing the number
30 of the bond, the name of the successful bidder to whom sold, the
31 amount received for the same, the date of sale and the date when
32 payable.

33 **Sec. 3. Sale; how negotiated; proceeds appropriated.** The
34 Treasurer of State may negotiate the sale of the bonds by
35 direction of the Governor, but no bond may be loaned, pledged or
36 hypothecated on behalf of the State. The proceeds of the sale of
37 the bonds, which shall be held by the Treasurer of State and paid
38 by the Treasurer of State upon warrants drawn by the State
39 Controller, are appropriated to be used solely for the purposes
40 set forth in this Act. Any unencumbered balances remaining at
41 the completion of the project in section 6 shall lapse to the
42 debt service account established for the retirement of these
43 bonds.

44 **Sec. 4. Interest and debt retirement.** Interest due or accruing
45 upon any bonds issued under this Act and all sums coming due for
46 payment of bonds at maturity shall be paid by the Treasurer of
47 State.

1 **Sec. 5. Disbursement of bond proceeds.** The proceeds of the
2 bonds set out in section 6 shall be expended under the direction
3 and supervision of the Commissioner of Environmental Protection.

4 **Sec. 6. Allocations from General Fund bond issue; Department of**
5 **Environmental Protection's program of landfill remediation and closure and**
6 **to fund direct grants to municipalities.** The proceeds of the sale of
7 bonds shall be expended as designated in the following schedule.

8 The Department of Environmental Protection's landfill
9 remediation and closure and grants to municipalities,
10 \$25,000,000.

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

15 **Sec. 8. Appropriation balances at year end.** At the end of each
16 fiscal year, all unencumbered appropriation balances representing
17 state money shall carry forward from year to year. Bond proceeds
18 which have not been expended within 10 years after the date of
19 the sale of the bonds shall lapse to General Fund debt service.

20 **Sec. 9. Bonds authorized but not issued.** Any bonds authorized
21 but not issued, or for which bond anticipation notes have not
22 been issued within 5 years of ratification of this Act, shall be
23 deauthorized and may not be issued, provided that the Legislature
24 may, within 2 years after the expiration of that 5-year period,
25 extend the period for issuing any remaining unissued bonds or
26 bond anticipation notes for an additional amount of time not to
27 exceed 5 years.

28 **Sec. 10. Statutory referendum procedure; submission at statewide**
29 **election; form of question; effective date.** This Act shall be submitted
30 to the legal voters of the State of Maine at a statewide election
31 to be held on the Tuesday following the first Monday of November
32 following passage of this Act. The city aldermen, town selectmen
33 and plantation assessors of this State shall notify the
34 inhabitants of their respective cities, towns and plantations to
35 meet, in the manner prescribed by law for holding a statewide
36 election, to vote on the acceptance or rejection of this Act by
37 voting on the following question:

38 "Do you favor a \$25,000,000 bond issue for the Department of
39 Environmental Protection's program of landfill remediation
40 and closure and to fund direct grants to municipalities?"

41 The legal voters of each city, town and plantation shall
42 vote by ballot on this question and shall designate their choice

1 by a cross or check mark placed within a corresponding square
below the word "Yes" or "No." The ballots shall be received,
3 sorted, counted or declared in open ward, town and plantation
meetings and returns made to the Secretary of State in the same
5 manner as votes for members of the Legislature. The Governor
shall review the returns and, if it appears that a majority of
7 the legal voters are in favor of the Act, the Governor shall
proclaim that fact without delay, and the Act shall become
9 effective 30 days after the date of the proclamation.

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

15

17

STATEMENT OF FACT

19 The funds provided by this bond issue, in the amount of
\$25,000,000, will be used for the Department of Environmental
21 Protection's program of landfill remediation and closure and for
grants to municipalities pursuant to the program.