

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1368

S.P. 494

In Senate, April 26, 1989

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator PERKINS of Hancock.

Cosponsored by Representative FOSS of Yarmouth, President PRAY of Penobscot and Representative LISNIK of Presque Isle.

STATE OF MAINE

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

An Act to Authorize a Bond Issue in the Amount of \$5,000,000 to Deal with Asbestos and other Health Related Indoor Air Quality Hazards in Public School Facilities and State Facilities.



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 to identify and
5 correct asbestos problems in public school and state facilities.

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

9 **Sec. 1. Authorization of bonds to provide funds to identify and correct**
10 **health-related indoor air quality problems in public school facilities and**
11 **state facilities.** The Treasurer of State is authorized, under the
12 direction of the Governor, to issue from time to time registered
13 bonds in the name and behalf of the State to an amount not
14 exceeding \$5,000,000 for the purpose of raising funds to identify
15 and correct health-related indoor air quality problems in public
16 school and state facilities as authorized by section 6. The
17 bonds shall be deemed a pledge of the full faith and credit of
18 the State. The bonds shall not run for a longer period than 20
19 years from the date of the original issue of the bonds. Any
20 issuance of bonds may contain a call feature at the discretion of
21 the Treasurer of State with the approval of the Governor.

23 **Sec. 2. 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. 3. 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 bond may be loaned, pledged or
34 hypothecated on behalf of the State. The proceeds of the sale of
35 the bonds, which shall be held by the Treasurer of State and paid
36 by the Treasurer of State 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 6 shall lapse to the
40 debt service account established for the retirement of these
41 bonds.

43 **Sec. 4. 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. 5. Disbursement of bond proceeds.** The proceeds of the
50 bonds set out in section 6 shall be expended under the direction

1 and supervision of the Director of Public Improvements. In
2 expending these funds the director shall insure that:

3

4 1. All asbestos abatement and management activities
5 undertaken with these funds are consistent with priorities and
6 recommendations set forth in the management plans adopted for the
7 facilities.

9

10 2. All asbestos abatement and management activities
11 undertaken with these funds are conducted in accord with the
12 requirements of Public Law 1987, chapter 448 and the United
13 States Asbestos Hazard Emergency Response Act of 1986, and
14 regulations adopted thereto and the appropriate regulations
15 adopted by the United States Occupational Safety and Health
16 Administration and the Maine Board of Occupational and Safety and
17 Health.

17

18 3. All activities related to radon, chemical and biological
19 contaminant detection and elimination shall be conducted in
20 accord with provisions of the Toxic Substances Control Act, 15
21 United States Code 2601, as amended.

23

24 4. Funds provided by this bond issue shall be expended
25 through a process which insures that indoor air quality problems
26 which affect, or have the potential for affecting, the health of
27 building occupants will receive the highest priority, whether
28 located in a State or public school facility.

29

30 5. Funds provided by this bond issue may be expended for
31 training, assistance, and equipment which is directly related to
32 preventing the development of indoor air quality hazards in State
33 and public school facilities.

33

34 **Sec. 6. Allocations from General Fund bond issue; air quality hazards**
35 **in public schools and state facilities.** The proceeds of the sale of
36 bonds shall be expended as designated in the following schedule:

37

38 Identification and Correction of Health	\$5,000,000
39 Related Indoor Air Quality Hazards in Public	
40 Schools and State Facilities, including	
41 asbestos, radon, chemicals and biological hazards	

43

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

47

48 **Sec. 8. Appropriation balances at year end.** At the end of each
49 fiscal year, all unencumbered appropriation balances representing
50 state money shall carry forward from year to year. Bond proceeds
51 which have not been expended within 10 years after

1 the date of the sale of the bonds shall lapse to General Fund
2 debt service.

3 **Sec. 9. Bonds authorized but not issued.** Any bonds authorized
4 but not issued, or for which bond anticipation notes have not
5 been issued within 5 years of ratification of this Act, shall be
6 deauthorized and may not be issued, provided that the Legislature
7 may, within 2 years after the expiration of that 5-year period,
8 extend the period for issuing any remaining unissued bonds or
9 bond anticipation notes for an additional amount of time not to
10 exceed 5 years.

11
12 **Sec. 10. Statutory referendum procedure; submission at statewide
13 election; form of question; effective date.** This Act shall be submitted
14 to the legal voters of the State of Maine at a statewide election
15 to be held on the Tuesday following the first Monday of November
16 following passage of this Act. The city aldermen, town selectmen
17 and plantation assessors of this State shall notify the
18 inhabitants of their respective cities, towns and plantations to
19 meet, in the manner prescribed by law for holding a statewide
20 election, to vote on the acceptance or rejection of this Act by
21 voting on the following question:

22
23 "Do you favor a \$5,000,000 bond issue for detection and
24 removal of asbestos and other health-related indoor air
25 quality hazards in state facilities and public schools?"
26

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

39
40 The Secretary of State shall prepare and furnish to each
41 city, town and plantation all ballots, returns and copies of this
42 Act necessary to carry out the purpose of this referendum.
43

44 **STATEMENT OF FACT**

45
46 This bond issue would continue the program first established
47 in 1986 to address the health problems created by the presence of
48 asbestos containing materials in State facilities. That program
49 was expanded to include public schools in 1987 to assist with a
50 timely and effective response to the requirements of new federal
51 laws. In order to continue the program and implement the
recommendations developed by statewide surveys of state and

1 school facilities and to assist with responses to immediate
2 health hazards created by the presence of asbestos containing
3 materials, additional funds will be need by 1990. This bill
4 would make those funds available in a timely manner.

5
6 In addition, other indoor air quality hazards have come to
7 attention and, in some cases, present potential health hazards in
8 public schools and state facilities similar to, or greater than,
9 asbestos. The terms of this bill would permit the Bureau of
10 Public Improvements to identify and, where necessary, assist with
11 the reduction or elimination of these health related hazards.