



# 114th MAINE LEGISLATURE

# **SECOND REGULAR SESSION - 1990**

Legislative Document

No. 2207

H.P. 1594

House of Representatives, January 19, 1990

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

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

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EDWIN H. PERT, Clerk

Presented by Speaker MARTIN of Eagle Lake.

Cosponsored by Representative JACQUES of Waterville, Representative McGOWAN of Canaan and Senator TITCOMB of Cumberland.

## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND NINETY

An Act to Authorize the Issuance of a Bond Not Exceeding \$25,000,000 for the Financing of the Maine Inland Fisheries and Wildlife Acquisition Fund.

(AFTER DEADLINE)

**Preamble.** Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14, to authorize the issuance of bonds on behalf of the State of Maine to provide funds for the Maine Inland Fisheries and Wildlife Acquisition Fund.

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

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Sec. 1. Intent and purpose. The State recognizes the importance of its wildlife resources and further recognizes the importance of habitat in maintaining an abundance and variety of wildlife species.

14 The Legislature realizes that industrial and residential development is fast claiming many natural areas necessary for the 16 survival of our wildlife and that areas accessible and open to the public are also disappearing.

The Legislature, having authorized the Maine Inland Fisheries and Wildlife Acquisition Fund through a bond issue in 1973, finds it necessary to continue the work of the fund in order to preserve this natural heritage for the future use, enjoyment and spiritual well-being of our citizens.

Sec. 2. Acquisition of interests in land and water. The Commissioner of Inland Fisheries and Wildlife shall from time to time acquire on behalf of the State lands and water or any interest therein by gift, devise, lease or purchase. Money from the fund established may be used for the lands and waters or 30 rights therein and any incidental expenses incurred in the acquisition of the land, waters and rights.

Sec. 3. Considerations. In making acquisitions of interest in lands and waters, the Commissioner of Inland Fisheries and Wildlife shall consider and place importance upon future as well as present needs for wintering, resting, feeding and nesting areas for wildlife as well as areas to which those interested in wildlife may have access. These acquisitions may include, but are not limited to, deer yards, salt marshes, fresh marshes, stream borders, nesting islands, habitats for rare and endangered species, dams, water rights and abandoned farms.

Sec. 4. Rules. The commissioner may from time to time establish rules with respect to any such acquisitions as the commissioner considers necessary.

Sec. 5. Improvements. The commissioner may carry on any development work the commissioner considers necessary for the enhancement of the value of any acquisition for wildlife and the cost of that development work may be paid out of the proceeds of the fund.

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Sec. 6. Allocation from General Fund bond issue; Maine Inland Fisheries and Wildlife Acquisition Fund. The bonds authorized by this Act shall be allocated to the Maine Inland Fisheries and Wildlife Acquisition Fund and expenditures may be made as authorized by this Act to carry out the purposes of this Act.

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Sec. 7. Issue of bonds. The Treasurer of State may, under the direction of the Governor, issue from time to time registered 8 bonds in the name and behalf of the State to an amount not exceeding \$25,000,000 for the purposes of this Act. These bonds 10 shall be deemed a pledge of the faith and credit of the State. 12 The bonds shall not run for a longer period than 10 years from the date of the original issue of the bonds. The Treasurer of State may invest the proceeds of the sale of the bonds during the 14 period when the proceeds are not needed for the purposes set forth in this Act and the interest shall be paid into the General 16 Fund.

Sec. 8. Records of bonds issued to be kept by State Auditor and Treasurer of State. The State Auditor shall keep an account of the bonds, showing the number and amount of each, the date when payable and the date of delivery of the bonds to the Treasurer of State who shall keep an account of each bond showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the same, the date of sale and the date when payable.

Sec. 9. Sale; how negotiated; proceeds appropriated. 28 The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no such bond may be loaned, 30 pledged or hypothecated on behalf of the State. The proceeds of 32 the sale of the bonds, which shall be credited to the Maine Inland Fisheries and Wildlife Acquisition Fund and which shall be held by the Treasurer of State and paid by the Treasurer of State 34 upon warrants drawn by the Governor, are appropriated to be used solely for the purposes set forth in this Act. 36

38 Sec. 10. Interest and debt retirement. Interest due or accruing upon any bonds issued under this Act and all sums coming due for 40 payment of bonds at maturity shall be paid by the Treasurer of 5 State from any money in the State Treasury not otherwise 42 appropriated.

44 Sec. 11. Contingent upon ratification of bond issue. Sections 1 to
10 of this Act shall not become effective unless and until the
46 people of the State have ratified the issuance of bonds as set
forth in this Act.

Sec. 12. Lapse of unused bonds. Bond proceeds from the sale of 50 bonds under this Act which have not been expended 10

#### Page 2-LR3479(1)

years after the date of the sale of the bonds shall lapse to General Fund debt service.

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Sec. 13. Bonds authorized but not issued. Any bonds authorized but not issued, or for which bond anticipation notes have not been issued within 5 years of ratification of this Act, shall be deauthorized and may not be issued, provided that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds or bond anticipation notes for an additional amount of time not to exceed 5 years.

Sec. 14. Referendum for ratification; submission at general election; form of question; effective date. This Act shall be submitted to the 14 legal voters of the State of Maine at the next general election 16 in the month of November following passage of this Act. The city aldermen, town selectmen and plantation assessors of this State 18 shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for 20 holding a general election, to vote on the acceptance or rejection of this Act by voting on the following guestion:

"Shall a bond issue in the amount of \$25,000,000 be ratified for the purpose of acquiring wildlife habitat and land for public outdoor recreation?"

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

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

### STATEMENT OF FACT

The purpose of this bill is to send to the people of the State for ratification a bond issue, not to exceed \$25,000,000, to fund the Maine Inland Fisheries and Wildlife Acquisition The money replenishes the current fund which Fund. was established in 1973. Money from the fund has been used to

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acquire critical wildlife habitat and guarantee public access to prime wildlife areas around the State. This money carries on that work.

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Page 4-LR3479(1)