

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1994

Legislative Document

No. 1894

S.P. 696

In Senate, February 18, 1994

An Act to Authorize a General Fund Bond Issue in the Amount of \$20,000,000 for the Remediation and Closure of Municipal Solid Waste Landfills.

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 HARRIMAN of Cumberland. (GOVERNOR'S BILL).

2 **Preamble.** Two thirds of both Houses of the Legislature
3 deeming it necessary in accordance with the Constitution of
4 Maine, Article IX, Section 14, to authorize the issuance of bonds
5 on behalf of the State of Maine to provide funds for the closure
6 and remediation of municipal solid waste landfills.

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

8
9 **Sec. 1. Authorization of bonds to provide for funds to investigate,**
10 **abate, clean-up and mitigate threats to public health and the environment**
11 **from municipal solid waste landfills.** The Treasurer of State is
12 authorized, under the direction of the Governor, to issue bonds
13 in the name and behalf of the State in an amount not exceeding
14 \$20,000,000 to raise funds to properly close and remediate
15 threats to drinking water supplies and other environmental
16 resources as a direct result of the leaching of pollutants from
17 municipal solid waste landfills as authorized by section 6. The
18 bonds are a pledge of the full faith and credit of the State.
19 The bonds may not run for a period longer than 10 years from the
20 date of the original issue of the bonds. At the discretion of
21 the Treasurer of State, with the approval of the Governor, any
22 issuance of bonds may contain a call feature.

23 **Sec. 2. Records of bonds issued to be kept by the Treasurer of State.**
24 The Treasurer of State shall keep an account of each bond showing
25 the number of the bond, the name of the successful bidder to whom
26 sold, the amount received for the bond, the date of sale and the
27 date when payable.

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

39
40 **Sec. 4. Interest and debt retirement.** The Treasurer of State
41 shall pay interest due or accruing on any bonds issued under this
42 Act and all sums coming due for payment of bonds at maturity.

43
44 **Sec. 5. Disbursement of bond proceeds.** The proceeds of the
45 bonds must be expended as set out in section 6 under the
46 direction and supervision of the Department of Environmental
47 Protection to evaluate, close and remediate municipal solid waste
48 landfills.

2 **Sec. 6. Allocations from General Fund bond issue; disbursement of**
4 **hazardous waste bond proceeds.** The proceeds of the sale of bonds
 must be expended as designated in the following schedule.

6

1994-95

8 **ENVIRONMENTAL PROTECTION,**
 DEPARTMENT OF

10 Provides funds for reimbursement for all
12 outstanding municipal solid waste landfill
 closure and remediation expenses. Any
14 remaining proceeds to be allocated for
 municipal solid waste landfill site
16 evaluation and planning and municipal grants
 program for implementation of new landfill
18 closure and remediation plans.

20 **DEPARTMENT OF ENVIRONMENTAL**
 PROTECTION
22 **TOTAL**

\$20,000,000

24 **Sec. 7. Contingent upon ratification of bond issue.** Sections 1 to
26 6 do not become effective unless the people of the State have
 ratified the issuance of bonds as set forth in this Act.

28 **Sec. 8. Appropriation balances at year end.** At the end of each
30 fiscal year, all unencumbered appropriation balances representing
 state money carry forward. Bond proceeds that have not been
32 expended within 10 years after the date of the sale of the bonds
 lapse to General Fund debt service.

34 **Sec. 9. Bonds authorized but not issued.** Any bonds authorized
36 but not issued, or for which bond anticipation notes are not
 issued within 5 years of ratification of this Act, are
38 deauthorized and may not be issued; except that the Legislature
 may, within 2 years after the expiration of that 5-year period,
40 extend the period for issuing any remaining unissued bonds or
 bond anticipation notes for an additional amount of time not to
 exceed 5 years.

42

44 **Sec. 10. Referendum for ratification; submission at general election;**
 form of question; effective date. This Act must be submitted to the
46 legal voters of the State of Maine at the next general election
 in the month of November following passage of this Act. The
48 municipal officers of this State shall notify the inhabitants of
 their respective cities, towns and plantations to

2 meet, in the manner prescribed by law for holding a general
election, to vote on the acceptance or rejection of this Act by
4 voting on the following question:

6 "Do you favor a \$20,000,000 bond issue to protect the
State's drinking water resources by granting funds to cities
and towns for the proper closure of their solid waste
8 landfills?"

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

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

26 STATEMENT OF FACT

28 The funds provided by this bond issue, in the amount of
30 \$20,000,000, will be used to address environmental problems at
municipal solid waste landfills. The funds will be used for the
32 evaluation and closure of municipal and utility district solid
waste landfills. Approximately 385 remaining municipal landfills
34 in the State will be evaluated and closed over the next 2 to 3
years with proceeds from this bond issue. The money remaining
36 from previously approved bonds issued for this purpose is
inadequate to meet the State's cost share commitment to evaluate,
38 close and remediate all the remaining municipal solid waste
landfills.

40
42
44
46 This document has not yet been reviewed to determine the
need for cross-reference, stylistic and other technical
48 amendments to conform existing law to current drafting standards.