

MAINE STATE LEGISLATURE

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L.D. 268

DATE: June 20, 1997

(Filing No. S-446)

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10 STATE OF MAINE
12 SENATE
14 118TH LEGISLATURE
16 FIRST SPECIAL SESSION

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16 SENATE AMENDMENT "C" to COMMITTEE AMENDMENT "A" to S.P. 88,
L.D. 268, Bill, "An Act to Authorize a General Fund Bond Issue in
the Amount of \$20,000,000 for Landfill Closure and Remediation"

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20 Amend the amendment by striking out the substitute title and
replacing it with the following:

22

22 'An Act to Authorize 2 General Fund Bond Issues in the Amount of
\$13,000,000 to Construct Water Pollution Control Facilities, to
24 Close and Clean Up Municipal Solid Waste Landfills, to Clean Up
Tire Stockpiles, to Mitigate Storm Water Pollution through a
26 Comprehensive Watershed Protection Program and to Make Drinking
Water Improvements'

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28 Further amend the amendment by striking out everything after
30 the title and before the summary and inserting in its place the
following:

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32 'Amend the bill by striking out everything after the title
34 and before the enacting clause and inserting in its place the
following:

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36 'Preamble. Two thirds of both Houses of the Legislature
38 deeming it necessary in accordance with the Constitution of
Maine, Article IX, Section 14, to authorize the issuance of bonds
40 on behalf of the State of Maine to provide funds to construct
water pollution control facilities, to clean up tire stockpiles
42 and to make drinking water improvements and to provide funds to
close and clean up municipal solid waste landfills and to
44 mitigate storm water pollution through a comprehensive watershed
protection program.'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

PART A

Sec. A-1. Authorization of bonds to provide for funds to construct water pollution control facilities, to clean up tire stockpiles and to make drinking water improvements. The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding \$7,000,000 to raise funds to construct water pollution control facilities, to clean up tire stockpiles and to make drinking water improvements as authorized by section 6. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 5 years from the date of the original issue of the bonds. At the discretion of the Treasurer of State, with the approval of the Governor, any issuance of bonds may contain a call feature.

Sec. A-2. Records of bonds issued to be kept by the Treasurer of State. The Treasurer of State 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 bond, the date of sale and the date when payable.

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

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

Sec. A-5. Disbursement of bond proceeds. The proceeds of the bonds must be expended as set out in section 6 under the direction and supervision of the Department of Environmental Protection and the Department of Human Services.

2 **Sec. A-6. Allocations from General Fund bond issue; to construct**
3 **water pollution control facilities, to clean up tire stockpiles and make**
4 **drinking water improvements.** The proceeds of the sale of bonds
5 must be expended as designated in the following schedule.

6 1997-98

8 **ENVIRONMENTAL PROTECTION,**
9 **DEPARTMENT OF**

10 Construction of water pollution control \$4,500,000
11 facilities to provide the state match
12 for \$12,500,000 in federal funds

13 Cleanup of tire stockpiles to protect \$2,000,000
14 the public health and safety and the
15 environment

18 **HUMAN SERVICES, DEPARTMENT OF**

19 Address environmental health deficiencies \$500,000
20 in drinking water supplies to provide
21 the state match for \$2,500,000 in
22 federal funds

26 **TOTAL ALLOCATIONS**

27 \$7,000,000

28 **Sec. A-7. Contingent upon ratification of bond issue.** Sections 1
29 to 6 do not become effective unless the people of the State have
30 ratified the issuance of bonds as set forth in this Part.

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

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

RES

2 **Sec. A-10. Referendum for ratification; submission at statewide**
3 **election; form of question; effective date.** This Part must be submitted
4 to the legal voters of the State of Maine at a statewide election
5 held on the Tuesday following the first Monday of November
6 following passage of this Part. The municipal officers of this
7 State shall notify the inhabitants of their respective cities,
8 towns and plantations to meet, in the manner prescribed by law
9 for holding a statewide election, to vote on the acceptance or
10 rejection of this Act by voting on the following question:

11 "Do you favor a \$7,000,000 bond issue, which will match
12 \$15,000,000 in federal funds, to construct water pollution
13 control facilities, to clean up tire stockpiles and to make
14 drinking water improvements?"

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

26
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28 The Secretary of State shall prepare and furnish to each
29 city, town and plantation all ballots, returns and copies of this
30 Act necessary to carry out the purpose of this referendum.

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32 **PART B**

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34 **Sec. B-1. Authorization of bonds to provide for funds to construct**
35 **water pollution control facilities, to close and clean up municipal solid**
36 **waste landfills and to mitigate storm water pollution through a**
37 **comprehensive watershed protection program.** The Treasurer of State
38 is authorized, under the direction of the Governor, to issue
39 bonds in the name and on behalf of the State in an amount not
40 exceeding \$6,000,000 to raise funds to construct water pollution
41 control facilities, to close and clean up municipal solid waste
42 landfills, and to mitigate storm water pollution through a
43 comprehensive watershed protection program as authorized by
44 section 6. The bonds are a pledge of the full faith and credit
45 of the State. The bonds may not run for a period longer than 5
46 years from the date of the original issue of the bonds. At the
47 discretion of the Treasurer of State, with the approval of the
48 Governor, any issuance of bonds may contain a call feature.

2 **Sec. B-2. Records of bonds issued to be kept by the Treasurer of**
3 **State.** The Treasurer of State shall keep an account of each bond
4 showing the number of the bond, the name of the successful bidder
5 to whom sold, the amount received for the bond, the date of sale
6 and the date when payable.

8 **Sec. B-3. Sale; how negotiated; proceeds appropriated.** The
9 Treasurer of State may negotiate the sale of the bonds by
10 direction of the Governor, but no bond may be loaned, pledged or
11 hypothecated on behalf of the State. The proceeds of the sale of
12 the bonds, which must be held by the Treasurer of State and paid
13 by the Treasurer of State upon warrants drawn by the State
14 Controller, are appropriated solely for the purposes set forth in
15 this Act. Any unencumbered balances remaining at the completion
16 of the project in section 6 lapse to the debt service account
17 established for the retirement of these bonds.

18 **Sec. B-4. Interest and debt retirement.** The Treasurer of State
19 shall pay interest due or accruing on any bonds issued under this
20 Act and all sums coming due for payment of bonds at maturity.

22 **Sec. B-5. Disbursement of bond proceeds.** The proceeds of the
23 bonds must be expended as set out in section 6 under the
24 direction and supervision of the Department of Environmental
25 Protection.

28 **Sec. B-6. Allocations from General Fund bond issue; to construct**
29 **water pollution control facilities, to close and clean up municipal solid**
30 **waste landfills and to mitigate storm water pollution through a**
31 **comprehensive watershed protection program.** The proceeds of the
32 sale of bonds must be expended as designated in the following
33 schedule.

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1997-98

**ENVIRONMENTAL PROTECTION,
DEPARTMENT OF**

Construction of water pollution control facilities	\$1,000,000
Grants to municipalities to close and clean up solid waste landfills	\$4,500,000
Mitigation of storm water pollution through establishment of a comprehensive watershed protection program	\$500,000

2
3 **TOTAL ALLOCATIONS**

_____ \$6,000,000

4
5 **Sec. B-7. Contingent upon ratification of bond issue.** Sections 1
6 to 6 do not become effective unless the people of the State have
7 ratified the issuance of bonds as set forth in this Part.

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

14
15 **Sec. B-9. Bonds authorized but not issued.** Any bonds authorized
16 but not issued, or for which bond anticipation notes are not
17 issued within 5 years of ratification of this Part, are
18 deauthorized and may not be issued; except that the Legislature
19 may, within 2 years after the expiration of that 5-year period,
20 extend the period for issuing any remaining unissued bonds or
21 bond anticipation notes for an additional amount of time not to
22 exceed 5 years.

23
24 **Sec. B-10. Referendum for ratification; submission at statewide
25 election; form of question; effective date.** This Part must be submitted
26 to the legal voters of the State of Maine at the June 1998
27 primary election following passage of this Part. The municipal
28 officers of this State shall notify the inhabitants of their
29 respective cities, towns and plantations to meet, in the manner
30 prescribed by law for holding a statewide election, to vote on
31 the acceptance or rejection of this Act by voting on the
32 following question:

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34 "Do you favor a \$6,000,000 bond issue to construct water
35 pollution control facilities, to close and clean up
36 municipal solid waste landfills and to mitigate storm water
37 pollution through a comprehensive watershed protection
38 program?"

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

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

6 **PART C**

8 **Sec. C-1. PL 1997, c. 519, Pt. B, §3** is amended to read:

10 **Sec. B-3. Contingent upon ratification of bond issue.** This Part
12 takes effect only if a \$13,000,000 \$6,000,000 General Fund bond
14 issue, including \$500,000 for mitigation of storm water pollution
through the establishment of a comprehensive watershed protection
program, is approved by the voters of the State.'

16 Further amend the bill by inserting at the end before the
18 summary the following:

20 **FISCAL NOTE**

22 The estimated cost of sending the bond issue in Part A of
24 the bill out to referendum will vary according to the total
number of referenda enacted during the First Special Session of
the 118th Legislature to be submitted to the voters in November.
26 The estimated cost to the Secretary of State if one to 6
referenda are enacted is \$95,000. Each additional referendum
28 costs an additional \$7,000.

30 If approved by the voters, the total cost of this bond issue
is estimated to be \$7,987,000 with principal payments of
32 \$7,000,000 and interest payments of approximately \$987,000.

34 The estimated cost of sending the bond issue in Part B of
the bill out to referendum will vary according to the total
36 number of referenda enacted during the First Special Session and
the Second Regular Session of the 118th Legislature that will be
38 presented to the voters at the June 1998 primary election. The
estimated cost to the Secretary of State if one to 6 referenda
40 are enacted is \$95,000. Each additional referendum costs an
additional \$7,000. The Secretary of State's fiscal year 1997-98
42 budget does not include funding for June 1998 referendum
questions.

44 If approved by the voters, the total cost of this bond issue
46 is estimated to be \$6,846,000 with principal payments of
\$6,000,000 and interest payments of approximately \$846,000.'

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SUMMARY

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This amendment segregates the \$13,000,000 bond issue into 2 parts:

1. Part A authorizes a \$7,000,000 bond issue to be presented to the voters in November 1997; and

2. Part B authorizes a \$6,000,000 bond issue to be presented to the voters in June 1998.

The funds provided in Part A will be used for the following purposes:

1. To construct water pollution control facilities, as a match for \$12,500,000 in federal funds, \$4,500,000;

2. To clean up tire stockpiles that pose a threat to the public health and safety and the environment, \$2,000,000; and

3. To address environmental health deficiencies in drinking water supplies, as a match for \$2,500,000 in federal funds, \$500,000.

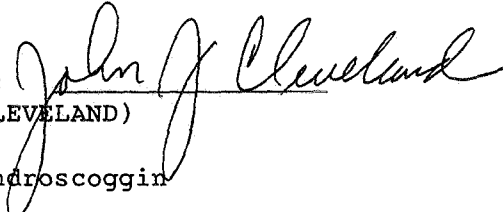
The funds provided in Part B will be used for the following purposes:

1. To construct water pollution control facilities, \$1,000,000;

2. To close and clean up municipal solid waste landfills, \$4,500,000; and

3. To mitigate storm water pollution through the establishment of a comprehensive watershed protection program, \$500,000.

This amendment adds a technical correction concerning the implementation of the priority watershed protection grants program.

SPONSORED BY: 
(Senator CLEVELAND)
COUNTY: Androscoggin