



# **119th MAINE LEGISLATURE**

## **FIRST REGULAR SESSION-1999**

Legislative Document

No. 993

S.P. 339

In Senate, February 4, 1999

An Act to Reinvest in the Land for Maine's Future Fund.

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

Buen

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator PINGREE of Knox. Cosponsored by Speaker ROWE of Portland and Senators: BENOIT of Franklin, KILKELLY of Lincoln, Representatives: CAMERON of Rumford, COWGER of Hallowell, DAVIS of Falmouth, DUNLAP of Old Town, LEMONT of Kittery, TOWNSEND of Portland. 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 acquisition of land and interest in land for conservation,
outdoor recreation, wildlife habitat protection and farmland preservation, and to access matching contributions from public
and private sources.

- 10 Be it enacted by the People of the State of Maine as follows:
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### PART A

Sec. A-1. Authorization of bonds to provide for conservation, outdoor 14 recreation, wildlife habitat protection and farmland preservation. The Treasurer of State is authorized, under the direction of the 16 Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding \$75,000,000 to provide funds for the 18 acquisition of land and interest in land for conservation, outdoor recreation, wildlife habitat protection and farmland 20 preservation and to access matching contributions from public and private sources, as authorized in section 8 of this Part. 22 No more than \$15,000,000 may be issued each year for 5 years, except 24 that any unused balance in a year may be added to the specified amount in subsequent years. The bonds are a pledge of the full 26 faith and credit of the State. The bonds may not run for a period longer than 20 years from the date of the original issue 28 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. 30

32 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 34 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 36 and the date when payable.

Sec. A-3. Sale; how negotiated; proceeds appropriated. 38 The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or 40 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 42 by the Treasurer of State upon warrants drawn by the State 44 Controller, are appropriated solely for the purposes set forth in this Part. Any unencumbered balances remaining at the completion 46 of the project in section 8 of this Part lapse to the debt service account established for the retirement of these bonds. 48

Sec. A-4. Taxable bond option. The Treasurer of State, at the direction of the Governor, shall covenant and consent that the 2 interest on the bonds is includable, under the United States Internal Revenue Code, in the gross income of the holders of the 4 bonds to the same extent and in the same manner that the interest on bills, bonds, notes or other obligations of the United States б is includable in the gross income of the holders under the United States Internal Revenue Code or any subsequent law. 8 The powers conferred by this section are not subject to any limitations or restrictions of any law that may limit the power to so covenant 10 and consent. 12

Sec. A-5. Interest and debt retirement. The Treasurer of State shall pay interest due or accruing on any bonds issued under this Part and all sums coming due for payment of bonds at maturity.

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Sec. A-6. Disbursement of bond proceeds. The proceeds of the bonds must be expended as set out in section 8 of this Part under the direction and supervision of, and in accordance with the land acquisition policies and criteria of, the Land for Maine's Future Board, established by the Maine Revised Statutes, Title 5, chapter 379.

24 Sec. A-7. Use of bonds. Use of bond proceeds is for the acquisition of land and interest in land with outstanding 26 recreational, scenic, natural wildlife habitat or farmland values in accordance with the provisions for those acquisitions under 28 the Maine Revised Statutes, Title 5, chapter 353, except that use of the proceeds of these bonds are subject to the following 30 conditions and requirements.

 Hunting, fishing and trapping may not be prohibited on land acquired with bond proceeds, except to the extent of
 applicable state, local or federal laws and regulations.

36 2. At least 10% of the bond proceeds available must be expended for acquisitions of local or regional significance, as
 38 determined by the Land for Maine's Future Board.

3. Payment from bond proceeds for acquisitions of local or regional significance may be paid directly to cooperating
entities as defined in Title 5, section 201, subsection 2 for acquisition of land and interests in land by cooperating
entities, subject to covenants held by the State to ensure their use for the purposes of this Part.

4. The bond funds must be matched with at least \$37,500,00048 in public and private contributions.

5. Matching funds may include the value of project-related
in-kind contributions of goods and services to, and by, cooperating entities and the value of real property interests
acquired by, or contributed to, cooperating entities no earlier than 2 years prior to the date a proposal is submitted. The
property interests must have relationship and geographic proximity to the property proposed for protection as determined
by the Land for Maine's Future Board.

 Sec. A-8. Allocations from General Fund bond issue; acquisition of land. The proceeds of the sale of bonds must be expended as designated in the following schedule.

#### **14 EXECUTIVE DEPARTMENT**

- **16** State Planning Office
- 18 Land for Maine's Future Board
- 20 All Other

\$75,000,000

22 Acquisitions will be targeted to sites with outstanding 24 recreational, scenic, natural wildlife values in or 26 accordance with the policies and criteria developed by the 28 Land for Maine's Future Board. These funds will be matched with at 30 least \$37,500,000 in public and 32 private contributions.

34 Sec. A-9. Contingent upon ratification of bond issue. Sections 1 to 8 do not become effective unless the people of the State have 36 ratified the issuance of bonds as set forth in this Part.

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

Sec. A-11. Bonds authorized but not issued. Any bonds authorized but not issued, or for which bond anticipation notes are not
 issued within 5 years of ratification of this Part, are deauthorized and may not be issued; except 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 2 exceed 5 years.

Sec. A-12. Referendum for ratification; submission at statewide election; form of question; effective date. This Part must be submitted to the legal voters of the State of Maine at a statewide election held on the Tuesday following the first Monday of November following passage of this Part. The municipal officers of this State shall notify the inhabitants of their respective cities, to work and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Part by voting on the following question:

14 "Do you favor a \$75,000,000 bond issue to purchase public lands and easements from willing sellers for public outdoor
16 access and recreation, farmland preservation and conservation and to protect wildlife habitat, to be matched
18 by \$37,500,000 of private and public funds?"

20 The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a 22 cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, 24 counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as 26 votes for members of the Legislature. The Governor shall review the returns and, if a majority of the legal votes are cast in favor of this Part, the Governor shall proclaim the result 28 without delay, and this Part becomes effective 30 days after the 30 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
 Part necessary to carry out the purpose of this referendum.

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#### PART B

38 Sec. B-1. Use of funds. Use of the funds appropriated in this Part is for the acquisition of land and interest in land with 40 outstanding recreational, scenic, natural wildlife habitat or farmland values in accordance with the provisions for those 42 acquisitions under the Maine Revised Statutes, Title 5, chapter 353, except that use of the funds is subject to the following 44 conditions and requirements.

 46 1. Hunting, fishing and trapping may not be prohibited on land acquired with fund proceeds, except to the extent of
 48 applicable state, local or federal laws and regulations.

2. At least 10% of the funds must be expended for 2 acquisitions of local or regional significance, as determined by the Land for Maine's Future Board. 4 3. Payment from the funds for acquisitions of local or regional significance may be paid directly to cooperating 6 entities as defined in Title 5, section 201, subsection 2 for acquisition of land and interests in land by cooperating 8 entities, subject to covenants held by the State to ensure their use for the purposes of this Part. 10

12 4. The funds must be matched with at least \$10,000,000 in public and private contributions.

Matching funds may include the value of project-related 5. contributions of goods and services to, and by, 16 in-kind cooperating entities and the value of real property interests 18 acquired by, or contributed to, cooperating entities no earlier than 2 years prior to the date a proposal is submitted. The property interests must have relationship and geographic 20 proximity to the property proposed for protection as determined 22 by the Land for Maine's Future Board.

Sec. B-2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

1999-00

#### LAND FOR MAINE'S FUTURE FUND

#### Land for Maine's Future Fund

All Other

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\$20,000,000

Appropriates additional funds for the Land for Maine's Future Fund. These funds will be matched with at least \$10,000,000 in 38 public and private contributions.

#### SUMMARY

Part A of this bill provides for a bond issue, in the amount of \$75,000,000, the funds of which will be used by the Land for Maine's Future Board to acquire lands and easements from willing sellers for public outdoor access and recreation, farmland preservation and conservation and to protect wildlife habitat. To maximize the effectiveness of this investment in Maine's future, the board is required to secure at least \$37,500,000 in other public and private contributions. 2 Part B of this bill provides for a \$20,000,000 appropriation from the General Fund to the Land for Maine's Future Fund.

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As with Part A, the funds will be used by the Land for 6 Maine's Future Board to acquire lands and easements. The board is required to secure at least \$10,000,000 in other public and 8 private contributions.