

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 993

S.P. 339

In Senate, February 4, 1999

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

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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 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.



2           **Sec. A-4. Taxable bond option.** The Treasurer of State, at the  
4 direction of the Governor, shall covenant and consent that the  
6 interest on the bonds is includable, under the United States  
8 Internal Revenue Code, in the gross income of the holders of the  
10 bonds to the same extent and in the same manner that the interest  
12 on bills, bonds, notes or other obligations of the United States  
is includable in the gross income of the holders under the United  
States Internal Revenue Code or any subsequent law. 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  
and consent.

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

18           **Sec. A-6. Disbursement of bond proceeds.** The proceeds of the  
20 bonds must be expended as set out in section 8 of this Part under  
22 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  
26 acquisition of land and interest in land with outstanding  
recreational, scenic, natural wildlife habitat or farmland values  
28 in accordance with the provisions for those acquisitions under  
30 the Maine Revised Statutes, Title 5, chapter 353, except that use  
of the proceeds of these bonds are subject to the following  
conditions and requirements.

32           1. Hunting, fishing and trapping may not be prohibited on  
34 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  
38 expended for acquisitions of local or regional significance, as  
determined by the Land for Maine's Future Board.

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

48           4. The bond funds must be matched with at least \$37,500,000  
in public and private contributions.

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

10 **Sec. A-8. Allocations from General Fund bond issue; acquisition of**  
11 **land.** The proceeds of the sale of bonds must be expended as  
12 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  
23 to sites with outstanding  
24 recreational, scenic, natural  
25 or wildlife values in  
26 accordance with the policies  
27 and criteria developed by the  
28 Land for Maine's Future  
29 Board. These funds will be  
30 matched with at least  
31 \$37,500,000 in public and  
32 private contributions.

34 **Sec. A-9. Contingent upon ratification of bond issue.** Sections 1  
35 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  
39 each fiscal year, all unencumbered appropriation balances  
40 representing state money carry forward. Bond proceeds that have  
41 not been expended within 10 years after the date of the sale of  
42 the bonds lapse to General Fund debt service.

44 **Sec. A-11. Bonds authorized but not issued.** Any bonds authorized  
45 but not issued, or for which bond anticipation notes are not  
46 issued within 5 years of ratification of this Part, are  
47 deauthorized and may not be issued; except that the Legislature  
48 may, within 2 years after the expiration of that 5-year period,  
extend the period for issuing any remaining unissued bonds or

2 bond anticipation notes for an additional amount of time not to  
3 exceed 5 years.

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

14 "Do you favor a \$75,000,000 bond issue to purchase public  
15 lands and easements from willing sellers for public outdoor  
16 access and recreation, farmland preservation and  
17 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  
21 vote by ballot on this question and designate their choice by a  
22 cross or check mark placed within a corresponding square below  
23 the word "Yes" or "No." The ballots must be received, sorted,  
24 counted and declared in open ward, town and plantation meetings  
25 and returns made to the Secretary of State in the same manner as  
26 votes for members of the Legislature. The Governor shall review  
27 the returns and, if a majority of the legal votes are cast in  
28 favor of this Part, the Governor shall proclaim the result  
29 without delay, and this Part becomes effective 30 days after the  
30 date of the proclamation.

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

## 36 PART B

38 **Sec. B-1. Use of funds.** Use of the funds appropriated in this  
39 Part is for the acquisition of land and interest in land with  
40 outstanding recreational, scenic, natural wildlife habitat or  
41 farmland values in accordance with the provisions for those  
42 acquisitions under the Maine Revised Statutes, Title 5, chapter  
43 353, 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  
47 land acquired with fund proceeds, except to the extent of  
48 applicable state, local or federal laws and regulations.



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.

4

6           As with Part A, the funds will be used by the Land for  
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.