

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

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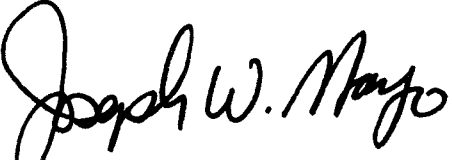
H.P. 1504

House of Representatives, April 5, 1999

An Act to Fund Continuing Public Access to Maine Lands.

(EMERGENCY)

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


JOSEPH W. MAYO, Clerk

Presented by Representative SAXL of Portland.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4
6 **Whereas,** significant opportunities currently exist to bring
important Maine natural lands within the public domain; and

8 **Whereas,** additional funding is crucial to the State's
ability to take advantage of these opportunities; and

10
12 **Whereas,** new funding sources and land acquisition procedures
must therefore be put in place as soon as possible; and

14 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
16 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
18 safety; now, therefore,

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

22 **Sec. 1. 5 MRSA §6203, sub-§1,** as amended by PL 1993, c. 728,
§4, is further amended to read:

24
26 **1. Fund established.** There is established the Land for
Maine's Future Fund that is administered by the board. The Land
for Maine's Future Fund consists of the proceeds from the sale of
28 any bonds authorized for the purposes set forth in subsection 3
and, any funds received as contributions from private and public
30 sources for those purposes and the funds set forth in subsection
1-A. The Land for Maine's Future Fund must be held separate and
32 apart from all other money, funds and accounts. Eligible
investment earnings credited to the assets of the Land for
34 Maine's Future Fund become part of the assets of that fund. Any
balance remaining in the Land for Maine's Future Fund at the end
36 of any fiscal year must be ~~carried forward for the next fiscal~~
year transferred to municipalities containing land acquired with
38 funds from the Land for Maine's Future Fund to offset property
tax loss incurred as a result of those acquisitions.

40 **Sec. 2. 5 MRSA §6203, sub-§1-A** is enacted to read:

42
44 **1-A. Additional funding sources.** Included in the Land for
Maine's Future Fund are the following funds:

46 **A. Any revenue generated by state agencies from fee and**
less-than-fee simple interests acquired with funds from the
48 **Land for Maine's Future Fund:**

50 **B. Fees from Land for Maine's Future Fund registration**
plates as set forth in Title 29-A, section 455-A; and

52

2 C. A portion of the revenues from the real estate transfer
3 tax as set forth in Title 36, section 4641-B.

4 Funds from the sources listed in this subsection must be credited
5 to the assets of the Land for Maine's Future Fund and become part
6 of the assets of that fund.

8 **Sec. 3. 5 MRSA §6203, sub-§3, ¶A,** as amended by PL 1993, c.
9 728, §4, is further amended to read:

10 A. Acquire property or an interest in property that is
11 determined by the board to be of state significance under
12 the guidelines of this chapter. The Bureau of Land and
13 Water Quality shall manage property acquired with funds from
14 the Land for Maine's Future Fund according to sustainable
15 forest practices with a target of achieving a 7% to 12%
16 annual return on forested land for debt service; and

17 **Sec. 4. 5 MRSA §6204,** as amended by PL 1993, c. 728, §6, is
18 further amended to read:

20 **§6204. Board composition**

21 **1. Composition.** The board consists of ~~11~~ 16 members, 2 who
22 are members of the Senate and 3 who are members of the House of
23 Representatives, 6 who are private citizens and 5 who are
24 permanent members. The permanent members are the Commissioner of
25 Conservation; the Commissioner of Inland Fisheries and Wildlife;
26 the Commissioner of Marine Resources; the Commissioner of
27 Agriculture, Food and Rural Resources; and the Director of the
28 State Planning Office.

29 **2. Appointments.** The 6 private citizens are appointed by
30 the Governor, subject to review by the joint standing committee
31 of the Legislature having jurisdiction over natural resources
32 matters and to confirmation by the Legislature. The 2 Senators
33 are appointed by the President of the Senate and the 3
34 Representatives are appointed by the Speaker of the House.

35 **3. Qualifications.** The 6 private citizens must be selected
36 for their knowledge of the State's natural resources and
37 landscape and their demonstrated commitment to land
38 conservation. Appointments Their appointments must provide broad
39 geographic representation. The legislative members must be
40 selected from Legislators serving on joint standing committees of
41 the Legislature having jurisdiction over matters related to the
42 responsibilities of the permanent board members.

43 **4. Terms; compensation.** The appointed private citizen
44 members are appointed to staggered 4-year terms. The initial
45 appointments are: Two members for 2-year terms; 2 members for
46 3-year terms; and 2 members for 4-year terms. Appointed private
47

2 citizen members may not serve more than 2 consecutive 4-year
3 terms. The appointed members receive the legislative per diem
4 pursuant to chapter 379. Each appointed legislative member shall
5 serve a term that is coterminous with that member's consecutive
6 terms in the office held by the legislative member when appointed
7 to the board.

8 5. **Chair.** The Governor shall appoint the chair of the board.

10 6. **Assistance.** The Department of Conservation; the
11 Department of Inland Fisheries and Wildlife; the Department of
12 Transportation; the Department of Agriculture, Food and Rural
13 Resources; the State Planning Office; and all other state
14 agencies shall provide staff support and assistance considered
15 necessary by the board to fulfill the objectives of this chapter.
16 If agency assistance is not available, consultants may be hired
17 from the proceeds of either the Land for Maine's Future Fund or
18 the Public Access to Maine Waters Fund to assist the board in
19 carrying out its responsibilities.

20 **Sec. 5. 5 MRSA §6208, sub-§3** is enacted to read:

22 **3. Ordinances.** Any acquisition funded by the board is
23 subject to the applicable municipal ordinances.

24 **Sec. 6. 5 MRSA §6212** is enacted to read:

25 **§6212. Issuance of bonds**

26 **1. Notice of intent to issue bonds; actions to contest**
27 **validity.** The board may provide, at one time or from time to
28 time, for the issuance of bonds of the board for the purpose of
29 supplying funds to the Land for Maine's Future Fund.

30 **2. Treasurer of State as agent.** The Treasurer of State
31 shall at the direction of the board act as the board's agent for
32 the sale and delivery of bonds, also referred to in this section
33 as revenue obligation securities, and anticipatory notes. The
34 Treasurer of State shall assist the board in the preparation,
35 issuance, negotiation and sale of the securities and notes and
36 provide reasonable advice and management assistance.

37 **3. Conclusive authorization.** All revenue obligation
38 securities of the board are conclusively presumed to be fully
39 authorized and issued under the laws of the State, and any person
40 or governmental unit is estopped from questioning their
41 authorization, sale, issuance, execution or delivery by the board.

42 **4. Maturity; interest.** The securities of each issue of
43 bonds or revenue obligation securities must be dated, mature at a
44 time or times not exceeding 30 years from their date and bear
45 interest at a rate or rates determined by the board. At the
46 time of maturity, the principal and interest shall be paid to the
47 holder of the securities.

2 option of the board, the securities may be made redeemable before
3 maturity at a price or prices and under terms and conditions
4 fixed prior to their issuance.

5 5. Form. The board shall determine the form of the
6 securities, including any attached interest coupons, the manner
7 of execution of the securities, the denomination or denominations
8 of the securities and the place or places for payment of
9 principal and interest, which may be at any financial institution
10 within or without the State. Revenue obligation securities must
11 be executed in the name of the board by the manual or facsimile
12 signature of the authorized official or officials. Any attached
13 coupons must be executed with the manual or facsimile signature
14 of the authorized official or officials. Signatures and
15 facsimiles of signatures on securities and coupons are valid for
16 all purposes even if the authorized official ceases to hold
17 office before delivery of the securities. The securities may be
18 issued in coupon or registered form or both as the board
19 determines. Provision may be made for the registration of any
20 coupon securities as to principal alone and as to both principal
21 and interest, and for the reconversion into coupon securities of
22 any securities registered as to both principal and interest. The
23 board may provide for transfer of registration of its registered
24 revenue obligation securities by book entry on the records of the
25 entity designated for that purpose and may enter into such
26 contractual arrangements as may be necessary to accomplish these
27 purposes. In the event a book entry method of transfer is used,
28 principal of and interest on those registered securities must be
29 payable to the registered owner shown in the book entry or the
30 owner's legal representatives, successors or transferees.

31 6. Sale. The board may sell the securities at a public or
32 private sale in a manner and at a price it determines is in the
33 best interest of the board.

34 7. Proceeds. The proceeds of each issue must be used
35 solely for the authorized purpose and must be disbursed as
36 provided in the securing trust agreement or other document.
37 Administration costs incurred by the board under this section may
38 be drawn from those proceeds. The board may provide for the
39 replacement of mutilated, destroyed or lost securities. Revenue
40 obligation securities may be issued under this section without
41 obtaining the consent of any department, division, commission,
42 board, bureau or agency of the State and without any other
43 proceedings or the happening of any other conditions or things
44 than those proceedings, conditions or things that are
45 specifically required by this section. Notwithstanding any of
46 the other provisions of this section, or of any recitals in any
47 securities issued under this section, all such securities are
48 deemed to be negotiable instruments issued under the laws of this
49 State.

2 8. Credit not pledged. Except as provided in this
3 subsection, securities issued under this section do not
4 constitute any debt or liability of the State or of any
5 municipality therein or any political subdivision thereof, or of
6 the board or a pledge of the faith and credit of the State or of
7 any such municipality or political subdivision, but are payable
8 solely from the revenues of the Land for Maine's Future Fund and
9 all such securities must contain on their face a statement to
10 that effect. The issuance of securities under this section does
11 not directly or indirectly or contingently obligate the State or
12 any municipality or political subdivision to levy or to pledge
13 any form of taxation or to make any appropriation for their
14 payment except as provided in section 6203, subsection 1-A.

15 9. Anticipatory borrowing. In anticipation of the sale of
16 securities under this section, the board may issue temporary
17 notes and renewal notes, the total face amount of which does not
18 exceed at any one time outstanding the authorized amount of the
19 securities. The period of anticipatory borrowing may not exceed
20 3 years and the time within which the securities are to become
21 due may not be extended by the anticipatory borrowing beyond the
22 term permitted by law.

23 10. Limitation on bonds issued. The board may not issue
24 bonds or revenue obligation securities in excess of \$100,000,000
25 outstanding at any one time.

26
27 Sec. 7. 29-A MRSA §455-A is enacted to read:

28
29 §455-A. Land for Maine's Future Fund registration plates

30
31 The Secretary of State shall issue Land for Maine's Future
32 Fund registration plates beginning April 1, 2000 in accordance
33 with this section. Land for Maine's Future Fund registration
34 plates are not required for registration of a motor vehicle but
35 are to allow citizens to participate voluntarily in the Land for
36 Maine's Future Fund. A citizen may apply for and for Maine's
37 Future Fund registration plates and contribute to the Land for
38 Maine's Future Fund as provided in this section.

39
40 1. Issuance of registration plates. Upon receiving an
41 application and evidence of the contribution to the Land for
42 Maine's Future Fund provided for in subsection 4, payment of the
43 registration fee required by this Title and the excise tax
44 required by Title 36, the Secretary of State shall issue a
45 registration certificate and a set of Land for Maine's Future
46 Fund registration plates to be used in lieu of regular
47 registration plates. The Secretary of State may issue these
48 registration plates to a vehicle in any registration class if the
49 designated registration plate for that class does not preclude
50 its use in conjunction with the Land for Maine's Future Fund
51 registration plate design. The Secretary of State may issue
52

2 these registration plates to certain state-owned vehicles in
3 accordance with section 517.

4 2. Plate design; optional vanity plates. The Secretary of
5 State and the Land for Maine's Future Board shall determine by
6 rule plate design. The design must accommodate the use of
7 numbers and letters as provided in section 453.

8
9 Upon request and as provided by section 453, the Secretary of
10 State shall issue Land for Maine's Future Fund plates that are
11 also vanity plates. These vanity plates are issued in accordance
12 with this section and section 453. The Secretary of State may
13 modify class codes and create unique identifiers for the purpose
14 of expanding the program. The annual service fee of \$15 for
15 vanity plates is credited to the Highway Fund. Rules adopted
16 pursuant to this subsection are routine technical rules pursuant
17 to Title 5, chapter 375, subchapter II-A.

18
19 3. Temporary facsimile plate. The Secretary of State may
20 issue a facsimile plate for temporary use up to a 60-day period
21 until the permanent plate is received. The facsimile plate must
22 be attached to the rear plate bracket.

23
24 4. Initial contribution to Land for Maine's Future Fund;
25 renewal contribution. In addition to the regular motor vehicle
26 registration fee prescribed by law for the particular class of
27 vehicle registered, the initial contribution for Land for Maine's
28 Future Fund registration plates is \$20, which must be deposited
29 with the Treasurer of State and credited to the Land for Maine's
30 Future Fund established in Title 5, section 6203.

31
32 In addition to the regular motor vehicle registration fee
33 prescribed by law for the particular class of vehicle registered,
34 the annual renewal contribution for Land for Maine's Future Fund
35 registration plates is \$15, which must be deposited with the
36 Treasurer of State and credited to the Land for Maine's Future
37 Fund established in Title 5, section 6203.

38
39 5. Reimbursement for production and issuance costs. The
40 Treasurer of State shall transfer annually from the Land for
41 Maine's Future Fund to the Highway Fund \$6 for each initial set
42 of Land for Maine's Future Fund registration plates issued and \$1
43 for each renewal of these registration plates. This transfer is
44 to reimburse the Secretary of State for costs associated with
45 production and issuance of the plates.

46
47 6. Proceeds from sale of products using Land for Maine's
48 Future Fund plate design. All proceeds from the sale of products
49 using the Land for Maine's Future Fund registration plate design
50 must be deposited with the Treasurer of State and credited to the
51 Land for Maine's Future Fund.

2 2. It gives the Land for Maine's Future Board authority to
issue bonds to fund the Land for Maine's Future Fund. It sets a
cap of \$100,000,000 on outstanding bonds for this purpose.

4
6 3. In addition to bonds and other public and private
funding sources, it establishes the following funding sources for
the Land for Maine's Future Fund: revenue generated by state
8 agencies from property acquired using the Land for Maine's Future
Fund; fees from newly established Land for Maine's Future Fund
10 motor vehicle registration plates; and 1/4 of the real estate
transfer tax revenues returned to the State Tax Assessor by
12 registers of deeds.

14 4. It makes clear that applicable municipal ordinances
apply to property acquired through the Land for Maine's Future
16 Fund and the Public Access to Maine Waters Fund.