

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1135

H.P. 863

House of Representatives, February 22, 2001

An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for the Testing of Marine Dredge Spoils and the Proper Disposal of Spoils that are Special or Hazardous Waste.

Reference to the Committee on Marine Resources suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative NORBERT of Portland.

2 **Preamble.** Two thirds of both Houses of the Legislature
deeming it necessary in accordance with the Constitution of
4 Maine, Article IX, Section 14 to authorize the issuance of bonds
on behalf of the State of Maine to provide funds for testing of
6 marine dredge spoils and the proper disposal of spoils that are
special or hazardous waste.

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

10 **Sec. 1. Authorization of bonds to provide for testing of marine dredge**
12 **spoils and the proper disposal of spoils that are special or hazardous**
14 **waste.** The Treasurer of State is authorized, under the direction
of the Governor, to issue bonds in the name and on behalf of the
16 State in an amount not exceeding \$5,000,000 to raise funds for
the testing of marine dredge spoils and the proper disposal of
18 spoils that are special or hazardous waste as authorized by
section 6. The bonds are a pledge of the full faith and credit
20 of the State. The bonds may not run for a period longer than 10
years from the date of the original issue of the bonds. At the
22 discretion of the Treasurer of State, with the approval of the
Governor, any issuance of bonds may contain a call feature.

24 **Sec. 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
26 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
28 date when payable.

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

40 **Sec. 4. Interest and debt retirement.** The Treasurer of State
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.

44 **Sec. 5. Disbursement of bond proceeds.** The proceeds of the
bonds must be expended as set out in section 6 under the
46 direction and supervision of the Commissioner of Marine Resources.

48 **Sec. 6. Allocations from General Fund bond issue; testing of marine**
50 **dredge spoils and the proper disposal of spoils that are special or hazardous**
waste. The proceeds of the sale of the bonds must be expended as
designated in the following schedule.

2 General Fund Bond Issue

4 Testing of marine dredge spoils and the \$5,000,000
5 proper disposal of spoils that are special
6 or hazardous waste

8 **Sec. 7. Contingent upon ratification of bond issue.** Sections 1 to
9 6 do not become effective unless the people of the State have
10 ratified the issuance of the bonds as set forth in this Act.

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

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

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

35 "Do you favor a \$5,000,000 bond issue for the testing of
36 marine dredge spoils and the proper disposal of spoils that
37 are special or hazardous waste?"

38 The legal voters of each city, town and plantation shall
39 vote by ballot on this question and designate their choice by a
40 cross or check mark placed within a corresponding square below
41 the word "Yes" or "No." The ballots must be received, sorted,
42 counted and declared in open ward, town and plantation meetings
43 and returns made to the Secretary of State in the same manner as

2 votes for members of the Legislature. The Governor shall review
3 the returns and, if a majority of the legal votes are cast in
4 favor of this Act, the Governor shall proclaim the result without
5 delay, and this Act becomes effective 30 days after the date of
6 the proclamation.

7 The Secretary of State shall prepare and furnish to each
8 city, town and plantation all ballots, returns and copies of this
9 Act necessary to carry out the purpose of this referendum.
10

12 SUMMARY

14 The funds provided by this bond issue, in the amount of
15 \$5,000,000, will be used to pay for the testing of marine dredge
16 spoils and to properly dispose of spoils that are classified as
17 special or hazardous waste under the state environmental laws
18 because of contaminants in the spoils.