

# MAINE STATE LEGISLATURE

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L.D. 2120

DATE: April 3, 2002 (Filing No. S-564)

APPROPRIATIONS AND FINANCIAL AFFAIRS

Reported by:

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STATE OF MAINE
SENATE
120TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 783, L.D. 2120, Bill, "An Act to Authorize a General Fund Bond Issue in the Amount of \$19,300,000 to Construct and Upgrade Water Pollution Control Facilities, to Remove Discharges, to Clean up Tire Stockpiles, to Clean up Uncontrolled Hazardous Substance Sites, to Remediate Solid Waste Landfills, to Make Drinking Water System Improvements, to Address Household Hazardous Wastes and to Promote Standardization and Use of Public Geographic Data"

Amend the bill by striking out the title and substituting the following:

'An Act to Authorize a General Fund Bond Issue in the Amount of \$27,800,000 to Improve Water Pollution Control, Remove Discharges, Clean up Uncontrolled Hazardous Substance Sites, Remediate Solid Waste Landfills, Improve Drinking Water Systems, Address Household Hazardous Wastes, Promote Use of Public Geographic Data, Provide Pollution Control on Farms, Provide Water for Crops, Recapitalize Potato Marketing Improvement Fund and Address State Fish-rearing Facilities'

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

'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 to construct and upgrade water pollution control facilities, to remove discharges, to clean up uncontrolled hazardous substance sites, to remediate solid waste landfills, to make drinking water system improvements, to address household hazardous wastes, to promote

standardization and use of public geographic data, to construct new or retrofit existing pollution control structures on Maine farms to protect the environment, to construct environmentally sound water sources that help avoid drought damage to crops, to recapitalize the Potato Marketing Improvement Fund and to make renovations and enhance wastewater treatment at the Department of Inland Fisheries and Wildlife's fish-rearing facilities.

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

**PART A**

**Sec. A-1. Authorization of bonds to provide for funds to construct and upgrade water pollution control facilities, to remove discharges, and to make renovations and enhance wastewater treatment at the Department of Inland Fisheries and Wildlife's fish-rearing facilities.** 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 \$16,000,000, as authorized in section 6 of this Part, to raise funds to construct and upgrade water pollution control facilities, to remove discharges and to make renovations and enhance wastewater treatment at the Department of Inland Fisheries and Wildlife's fish-rearing facilities. The bonds are a pledge of the full faith and credit 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 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 Part. Any unencumbered balances remaining at the completion of the project in section 6 of this Part 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 Part 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 of this Part under the direction and supervision of the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife.

**Sec. A-6. Allocations from General Fund bond issue; to construct and upgrade water pollution control facilities, to remove discharges and to make renovations and enhance wastewater treatment at the Department of Inland Fisheries and Wildlife's fish-rearing facilities.** The proceeds of the sale of the bonds must be expended as designated in the following schedule.

**ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

Loans to construct and upgrade water pollution control facilities matched by \$12,500,000 in federal funds. \$8,000,000

Grants to municipalities, homeowners and businesses to remove overboard discharges. 1,000,000

**INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF**

Renovations and enhancement of wastewater treatment at the Department of Inland Fisheries and Wildlife's fish-rearing facilities. 7,000,000

**TOTAL ALLOCATIONS** \$16,000,000

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

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

**Sec. A-9. 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

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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 exceed 5 years.

**Sec. A-10. Referendum for ratification; submission at general election; form of question; effective date.** This Part must be submitted to the legal voters of the State of Maine at the next primary election in the month of June following passage of this Part. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a primary election, to vote on the acceptance or rejection of this Part by voting on the following question:

"Do you favor a \$16,000,000 bond issue for the following purposes:

1. The sum of \$8,000,000 to construct and upgrade water pollution control facilities, providing the state match for \$12,500,000 in federal funds;
2. The sum of \$1,000,000 to protect public health, safety and the environment by providing funds to remove overboard discharges; and
3. The sum of \$7,000,000 to make renovations and enhance wastewater treatment at the Department of Inland Fisheries and Wildlife's fish-rearing facilities?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as 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 without delay, and this Part becomes effective 30 days after the 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.

**PART B**

2           **Sec. B-1. Authorization of bonds to provide grants to municipalities**  
3 **through the Small Communities Grants Program, to provide for funds to**  
4 **clean up uncontrolled hazardous substance sites, to remediate solid waste**  
5 **landfills, to make drinking water system improvements, to develop public**  
6 **recycling and household hazardous waste management infrastructure, to**  
7 **promote standardization and use of public geographic data, to construct**  
8 **new or retrofit existing pollution control structures on Maine farms to**  
9 **protect the environment, to construct environmentally sound water sources**  
10 **that help avoid drought damage to crops and to recapitalize the Potato**  
11 **Marketing Improvement Fund. The Treasurer of State is**  
12 **authorized, under the direction of the Governor, to issue bonds**  
13 **in the name and on behalf of the State in an amount not exceeding**  
14 **\$11,800,000, as authorized under section 6 of this Part, to raise**  
15 **funds to provide grants to municipalities through the Small**  
16 **Communities Grants Program, to clean up uncontrolled hazardous**  
17 **substance sites, to remediate solid waste landfills, to make**  
18 **drinking water system improvements, to develop public recycling**  
19 **and household hazardous waste management infrastructure, to**  
20 **promote standardization and use of public geographic data, to**  
21 **construct new or retrofit existing pollution control structures**  
22 **on Maine farms to protect the environment, to construct**  
23 **environmentally sound water sources that help avoid drought**  
24 **damage to crops and to recapitalize the Potato Marketing**  
25 **Improvement Fund. The bonds are a pledge of the full faith and**  
26 **credit of the State. The bonds may not run for a period longer**  
27 **than 10 years from the date of the original issue of the bonds.**  
28 **At the discretion of the Treasurer of State, with the approval of**  
29 **the Governor, any issuance of bonds may contain a call feature.**

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

35           **Sec. B-3. Sale; how negotiated; proceeds appropriated. The**  
36 **Treasurer of State may negotiate the sale of the bonds by**  
37 **direction of the Governor, but no bond may be loaned, pledged or**  
38 **hypothecated on behalf of the State. The proceeds of the sale of**  
39 **the bonds, which must be held by the Treasurer of State and paid**  
40 **by the Treasurer of State upon warrants drawn by the State**  
41 **Controller, are appropriated solely for the purposes set forth in**  
42 **this Part. Any unencumbered balances remaining at the completion**  
43 **of the project in section 6 of this Part lapse to the debt**  
44 **service account established for the retirement of these bonds.**  
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2 **Sec. B-4. 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.

4 **Sec. B-5. Disbursement of bond proceeds.** The proceeds of the  
6 bonds must be expended as set out in section 6 of this Part under  
the direction and supervision of the Department of Environmental  
8 Protection, the Department of Human Services, the Department of  
Administrative and Financial Services, the State Planning Office  
10 within the Executive Department and the Department of  
Agriculture, Food and Rural Resources.

12 **Sec. B-6. Allocations from General Fund bond issue; to provide**  
14 **grants to municipalities through the Small Communities Grants Program,**  
16 **to clean up uncontrolled hazardous substance sites, to remediate solid waste**  
18 **landfills, to make drinking water system improvements, to develop public**  
20 **recycling and household hazardous waste management infrastructure, to**  
22 **promote standardization and use of public geographic data, to construct**  
new or retrofit existing pollution control structures on Maine farms to  
protect the environment, to construct environmentally sound water sources  
that help avoid drought damage to crops and to recapitalize the Potato  
Marketing Improvement Fund. The proceeds of the sale of the  
bonds must be expended as designated in the following schedule.

24 **ENVIRONMENTAL PROTECTION,**  
26 **DEPARTMENT OF**

28	Grants to municipalities through the Small Communities Grants Program.	\$1,000,000
30	Clean up uncontrolled hazardous 32 substance sites.	1,000,000
34	Remediate solid waste landfills.	500,000

36 **HUMAN SERVICES, DEPARTMENT OF**

38	Grants and loans for public drinking water system improvements matched by \$6,000,000 40 in federal funds.	1,800,000
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42 **ADMINISTRATIVE AND FINANCIAL SERVICES,**  
44 **DEPARTMENT OF**

46	Establish an Internet-based Maine public library of geographic data, improve citizens' access to public geographic	4,000,000
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data, make grants to municipalities and participate in intergovernmental data development agreement matched by \$1,600,000 in federal funds.

**STATE PLANNING OFFICE**

Support public recycling capital investment.	600,000
Support household hazardous wastes management infrastructure.	900,000

**AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF**

Construction of new or retrofitting of existing manure pollution control structures on Maine farms to comply with Maine law. These state funds will be matched with federal and private funds.	1,000,000
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Construction of environmentally sound water sources that help avoid drought damage to crops.	500,000
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Recapitalize the Potato Marketing Improvement Fund. These state funds will match private funds and be used to construct potato storage facilities.	500,000
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<b>TOTAL ALLOCATIONS</b>	<b>\$11,800,000</b>
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**Sec. B-7. Contingent upon ratification of bond issue.** Sections 1 to 6 of this Part do not become effective unless the people of the State have ratified the issuance of the bonds as set forth in this Part.

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

**Sec. B-9. 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 exceed 5 years.

**Sec. B-10. Referendum for ratification; submission at general election; form of question; effective date.** This Part must be submitted to the legal voters of the State of Maine at the next general election in the month of November following passage of this Part. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a general election, to vote on the acceptance or rejection of this Part by voting on the following question:

"Do you favor an \$11,800,000 bond issue for the following purposes:

1. The sum of \$1,000,000 to protect public health, safety and the environment by providing funds to remove and replace failing septic systems;
2. The sum of \$1,000,000 to clean up uncontrolled hazardous substance sites;
3. The sum of \$500,000 to remediate solid waste landfills;
4. The sum of \$1,800,000 to support drinking water system improvements that address public health threats, providing the state match for \$6,000,000 in federal funds;
5. The sum of \$4,000,000 to acquire the technology and services required to establish an Internet-based Maine public library of geographic data, to improve citizens' access to public geographic data, to make grants to municipalities for voluntary automation of parcel and zoning maps to uniform standards, to provide the state match for at least \$1,600,000 in federal funds and to participate in intergovernmental data development agreements;
6. The sum of \$1,500,000 to support household hazardous waste collection and public recycling;
7. The sum of \$1,000,000 to construct new or retrofit existing pollution control structures on Maine farms to protect the environment;
8. The sum of \$500,000 to construct environmentally sound water sources that help avoid drought damage to crops; and
9. The sum of \$500,000 to recapitalize the Potato Marketing Improvement Fund?"

2 The legal voters of each city, town and plantation shall  
3 vote by ballot on this question and designate their choice by a  
4 cross or check mark placed within a corresponding square below  
5 the word "Yes" or "No." The ballots must be received, sorted,  
6 counted and declared in open ward, town and plantation meetings  
7 and returns made to the Secretary of State in the same manner as  
8 votes for members of the Legislature. The Governor shall review  
9 the returns and, if a majority of the legal votes are cast in  
10 favor of this Part, the Governor shall proclaim the result  
11 without delay, and this Part becomes effective 30 days after the  
12 date of the proclamation.

14 The Secretary of State shall prepare and furnish to each  
15 city, town and plantation all ballots, returns and copies of this  
16 Part necessary to carry out the purpose of this referendum.'

18 Further amend the bill by inserting at the end before the  
19 summary the following:  
20

22 **FISCAL NOTE**

24 This bill includes 2 referenda, one to be submitted to the  
25 voters in June 2002 and one to be submitted to the voters in  
26 November. The estimated cost of sending each of these referenda  
27 requesting approval of a General Fund bond issue will vary  
28 according to the total number of referenda enacted during the  
29 Second Regular Session of the 120th Legislature to be submitted  
30 to the voters in June and November. The estimated cost to the  
31 Secretary of State if one to 6 referenda are enacted is \$121,392  
32 for each of the elections. Each additional referendum above the  
33 6-question threshold costs an additional \$8,000. The length of  
34 the questions for these bond issues will reduce the number of  
35 questions at each election before the threshold is reached.

36 If approved by the voters, the total costs of these bond  
37 issues are estimated to be \$35,312,340 with principal payments of  
38 \$27,800,000 and interest payments of approximately \$7,512,340.  
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40 The State Planning Office within the Executive Department,  
41 the Department of Administrative and Financial Services, the  
42 Department of Environmental Protection, the Department of Inland  
43 Fisheries and Wildlife, the Department of Agriculture, Food and  
44 Rural Resources and the Department of Human Services will incur  
45 some minor additional costs to administer the proceeds from this  
46 bond issue. These costs can be absorbed within the departments'  
47 existing budgeted resources.'

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**SUMMARY**

PART A

The funds provided for in Part A of this bond issue, to be submitted to the voters in June, 2002, in the amount of \$16,000,000 will be used for the following purposes:

1. The sum of \$8,000,000 to construct and upgrade water pollution control facilities, providing the state match for \$12,500,000 in federal funds;

2. The sum of \$1,000,000 to protect public health, safety and the environment by providing funds to remove overboard discharges; and

3. The sum of \$7,000,000 to make renovations and enhance wastewater treatment at the Department of Inland Fisheries and Wildlife's fish-rearing facilities.

PART B

The funds provided for in Part B of this bond issue, to be submitted to the voters in November, 2002, in the amount of \$11,800,000 will be used for the following purposes:

1. The sum of \$1,000,000 to protect public health, safety and the environment by providing funds to remove and replace failing septic systems;

2. The sum of \$1,000,000 to clean up uncontrolled hazardous substance sites;

3. The sum of \$500,000 to remediate solid waste landfills;

4. The sum of \$1,800,000 to support drinking water system improvements that address public health threats, providing the state match for \$6,000,000 in federal funds;

5. The sum of \$4,000,000 to acquire the technology and services required to establish an Internet-based Maine public library of geographic data, to improve citizens' access to public geographic data, to make grants to municipalities for voluntary automation of parcel and zoning maps to uniform standards, to provide the state match for at least \$1,600,000 in federal funds and to participate in intergovernmental data development agreements;

6. The sum of \$1,500,000 to support public recycling and household hazardous wastes management infrastructure;

2           7. The sum of \$1,000,000 to construct new or retrofit  
4 existing pollution control structures on Maine farms to protect  
the environment;

6           8. The sum of \$500,000 to construct environmentally sound  
water sources that help avoid drought damage to crops; and

8           9. The sum of \$500,000 to recapitalize the Potato Marketing  
10 Improvement Fund.