

MAINE STATE LEGISLATURE

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R.O.S.

L.D. 998

DATE: 7.28.05

(Filing No. S- 406)

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6 **APPROPRIATIONS AND FINANCIAL AFFAIRS**

8 Reported by:

10 Reproduced and distributed under the direction of the Secretary
12 of the Senate.

14 **STATE OF MAINE**
16 **SENATE**
 122ND LEGISLATURE
 SECOND SPECIAL SESSION

18 **A**
 COMMITTEE AMENDMENT "A" to S.P. 338, L.D. 998, Bill, "An
20 Act To Authorize Department of Transportation Bond Issues To
22 Match Available Federal Funds for Improvements to Highways and
24 Bridges; Airports; Public Transit; State-owned Ferry Vessels and
26 Ferry and Port Facilities; Port and Harbor Structures;
 Development of Rail Corridors and Improvements to Railroad
 Structures; and Statewide Trail and Pedestrian Improvements"

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

30 '**An Act To Authorize Bond Issues for Ratification by the Voters**
32 **at the November 2005 Election'**

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

36 '**Preamble.** Two thirds of both Houses of the Legislature
38 deeming it necessary in accordance with the Constitution of
40 Maine, Article IX, Section 14 to authorize the issuance of bonds
42 on behalf of the State of Maine to provide funds as described in
 this Act,

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

46 **PART A**

48 **Sec. A-1. Authorization of bonds.** The Treasurer of State is
50 authorized, under the direction of the Governor, to issue bonds
 in the name and on behalf of the State in an amount not exceeding
 \$33,100,000 for the purposes described in section 6 of

COMMITTEE AMENDMENT

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this Part. 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 kept by 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 projects in 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 this Part under the direction and supervision of the Department of Transportation.

Sec. A-6. Allocations from Highway Fund and General Fund bond issue. The proceeds of the sale of the bonds authorized under this Part must be expended as designated in the following schedule.

DEPARTMENT OF TRANSPORTATION

Highway Fund

Highway and Bridge Improvements	\$27,000,000
Highway Fund Total	<u>\$27,000,000</u>

General Fund

State-owned Ferry Vessels and Ferry and Port Facilities (includes funds to rebuild the bulkhead at the Gulf of Maine Research	\$3,500,000
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COMMITTEE AMENDMENT **A** to S.P. 338, L.D. 998

2	Institute and the pier at Fort Preble in South Portland)	
4	Airports (includes \$450,000 for the Presque Isle project, \$250,000 for small airport projects and \$1,000,000 for all other airport projects)	\$1,700,000
6		
8	Transit and Bus Improvements	\$500,000
10	Pedestrian and Bicycle Trails (aids local community trails)	\$400,000
12		
14	General Fund Total	<u>\$6,100,000</u>

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

20 **Sec. A-8. Appropriation balances at year-end.** At the end of each
22 fiscal year, all unencumbered appropriation balances representing
24 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 or Highway Fund debt service.

26 **Sec. A-9. Bonds authorized but not issued.** Any bonds authorized
28 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.

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

44 "Do you favor a \$33,100,000 bond issue for improvements to
46 highways and bridges; airports; public transit improvements;
state-owned ferry vessels and ferry and port facilities
including port and harbor structures; and statewide bicycle
48 trail and pedestrian improvements that makes the State
eligible for over \$158,000,000 in matching funds?"

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

24 The Secretary of State shall prepare and furnish to each
26 city, town and plantation all ballots, returns and copies of this
28 Part necessary to carry out the purposes of this referendum.

PART B

30 **Sec. B-1. Authorization of bonds.** The Treasurer of State is
32 authorized, under the direction of the Governor, to issue bonds
34 in the name and on behalf of the State in an amount not exceeding
36 \$12,000,000 for the purposes described in section 5 of this Part
38 and to access \$7,000,000 in matching contributions from public
40 and private sources. The bonds are a pledge of the full faith
42 and credit of the State. The bonds may not run for a period
44 longer than 10 years from the date of the original issue of the
46 bonds. At the discretion of the Treasurer of State, with the
48 approval of the Governor, any issuance of bonds may contain a
call feature.

Sec. B-2. Records of bonds issued kept by 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. B-3. Sale; how negotiated; purposes 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 projects in this Part lapse to the debt service account
established for the retirement of these bonds.

Sec. B-4. Interest and debt retirement. The Treasurer of State
shall pay interest due or accruing on any bonds issued

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2 under this Part and all sums coming due for payment of bonds at maturity.

4 **Sec. B-5. Disbursement of bond proceeds; purposes.** The proceeds
6 of the bonds must be expended as set out in this Part under the
8 direction and supervision of the Land for Maine's Future Board.
10 The proceeds of the bonds must be expended for acquisition of
12 land and interest in land for conservation, water access, outdoor
14 recreation, wildlife and fish habitat, farmland preservation in
16 accordance with the provisions for such acquisitions under the
Maine Revised Statutes, Title 5, chapter 353 and working
waterfront preservation in accordance with the terms of this
Part, including all costs associated with such acquisitions,
except that use of the proceeds of these bonds is subject to the
following conditions and requirements.

18 1. Hunting, fishing, trapping and public access may not be
20 prohibited on land acquired with bond proceeds, except to the
extent of applicable state, local or federal laws and regulations
and except for working waterfront projects.

22 2. Payment from bond proceeds for acquisitions of local or
24 regional significance, as determined by the Land for Maine's
26 Future Board, may be made directly to cooperating entities as
28 defined in Title 5, section 6201, subsection 2 for acquisition of
land and interest in land by cooperating entities, subject to
terms and conditions enforceable by the State to ensure their use
for the purposes of this Part. In addition to the considerations
required under Title 5, chapter 353, the board shall give a
preference to acquisitions under this subsection that achieve
benefits for multiple towns and that address regional
conservation needs including public recreational access,
wildlife, open space or farmland.

34 3. The bond funds expended for conservation, recreation,
36 farmland and water access must be matched with at least
\$5,000,000 in public and private contributions. Seventy percent
38 of that amount must be in the form of cash or other tangible
assets, including the value of land and real property interest
40 acquired by or contributed to cooperating entities when property
interests have a direct relationship to the property proposed for
42 protection, as determined by the Land for Maine's Future Board.
The remaining 30% may be matching contributions and may include
44 the value of project-related, in-kind contributions of goods and
services to and by cooperating entities.

46 4. One million dollars of the bond proceeds allocated to
48 the Land for Maine's Future Board must be made available to
acquire public access to water in accordance with the provisions
50 of Title 5, section 6203-A.

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2 5. One million dollars of the bond proceeds allocated to
the Land for Maine's Future Board must be made available to
4 protect farmland in accordance with Title 5, section 6207.

6 6. Two million dollars of the bond proceeds allocated to
the Land for Maine's Future Board must be made available to
8 protect working waterfront properties in accordance with section
6.

10 7. To the extent the purposes are consistent with the
12 disbursement provisions in this Part, 100% of the bond proceeds
14 may be considered as state match for any federal funding to be
made available to the State.

16 **Sec. B-6. Maine Working waterfront protection pilot program.**

18 **1. Definitions.** As used in this section, unless the context
20 otherwise indicates, the following terms have the following
meanings.

22 A. "Board" means the Land for Maine's Future Board.

24 B. "Commercial fisheries business" means any enterprise
26 directly or indirectly concerned with the commercial harvest
of wild or aquacultured fish or shellfish. Commercial
28 fisheries businesses include without limitation commercial
fishermen, aquaculturists, individuals and businesses
30 providing direct services to commercial fishermen and
aquaculturists, fishermen's cooperatives and municipal and
32 private piers and wharves operated to provide waterfront
access to commercial fishermen and aquaculturists.

34 C. "Commissioner" means the Commissioner of Marine
Resources.

36 D. "Department" means the Department of Marine Resources.

38 E. "Pilot program" means the Maine Working Waterfront Access
40 Pilot Program.

42 **2. Pilot program established; administration.** The Maine
44 Working Waterfront Access Pilot Program is established to provide
protection to strategically significant working waterfront
46 properties whose continued availability to commercial fisheries
businesses is essential to the long-term future of this economic
48 sector. The department shall administer the pilot program either
directly or by contract with a suitable organization.

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2 **3. Review panel.** The department shall organize a review
3 panel to advise the commissioner in the operation of the pilot
4 program, including without limitation evaluating and recommending
5 to the department applicants for participation in the pilot
6 program.

7 **4. Selection criteria.** The department shall develop
8 selection criteria with which to evaluate applications for
9 investment in protected working waterfront properties. The
10 selection criteria must include, without limitation:

11 A. The economic significance of the property to the
12 commercial fisheries industry in the immediate vicinity and
13 in the State as a whole;

14 B. The availability of alternative working waterfront
15 properties in the same vicinity;

16 C. The degree of community support for the proposed
17 investment;

18 D. The level of threat of conversion to uses incompatible
19 with commercial fisheries businesses; and

20 E. The utility of the proposed protected property for
21 commercial fisheries business uses in terms of its natural
22 characteristics and developed infrastructure.

23 **5. Interests acquired; permanence.** The board may acquire
24 real estate interests in accordance with this section directly
25 from willing property owners and may make acquisition grants to
26 local governments, to organizations qualified to hold
27 conservation easements under the Maine Revised Statutes, Title
28 33, chapter 7, subchapter 8-A and to organizations determined by
29 the board to be capable of holding other less-than-fee interests
30 that are designed to protect access to working waterfront
31 properties. Grants made pursuant to this section are for the
32 purpose of acquiring real property in both fee and less-than-fee
33 simple interest, including, but not limited to, conservation
34 easements, access easements and other permanent interests in
35 land. The board shall include as a condition of any acquisition
36 and grant made under this section the requirement that the
37 protected property may not be used, altered or developed in a
38 manner that precludes its use by commercial fisheries
39 businesses. As an additional condition, the board must retain a
40 permanent right of first refusal on any property acquired in fee
41 or protected by conservation easement or other less-than-fee
42 interests. Exercise of the right of first refusal must be at a
43 price determined by an independent professional appraiser based
44 on the value of the property to a commercial fisheries business
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2 at the time of exercise of the right. The board may assign this
right to a commercial fisheries business or to a local government
4 if, in the board's judgment, such an assignment is consistent
with the purposes of this section. To the extent permissible by
6 law, if the board determines that the public purposes of a grant
made under this section are no longer served, the board in its
8 sole discretion may terminate a grant agreement made under this
section conditional on repayment of the original grant amount or
10 an amount equal to that proportion of the then-current value of
the protected real estate that represents that the ratio of the
12 original grant amount to the original fee interest value at the
time of the grant. Any funds recovered under this subsection may
be expended only for the purposes of this section.

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16 **6. Matching funds.** For each grant made under this section,
the board shall require that the grant recipient provide matching
funds at least equal to the amount of the grant.

18
20 **7. Interdepartmental coordination.** The commissioner may
request technical assistance from the Executive Department, State
22 Planning Office and the Department of Transportation in the
development and implementation of the pilot program.

24 **8. Rulemaking.** The commissioner may adopt rules necessary
for the implementation and administration of the pilot program.
26 Rules adopted under this subsection are routine technical rules
under the Maine Revised Statutes, Title 5, chapter 375,
28 subchapter 2-A.

30 **Sec. B-7. Allocations from General Fund bond issue.** The proceeds
of the sale of the bonds authorized under this Part must be
32 expended as designated in the following schedule.

34 **EXECUTIVE DEPARTMENT**

36 **State Planning Office**

38 **Land for Maine's Future Board**

40 Provides for the use of bond proceeds to \$12,000,000
be used for the acquisition of land and
42 interest in land for conservation,
water access, outdoor recreation,
44 wildlife and fish habitat,
farmland preservation and working
46 waterfront preservation.

48 **Sec. B-8. Contingent upon ratification of bond issue.** Sections 1
to 7 do not become effective unless the people of the State
50 ratify the issuance of the bonds as set forth in this Part.

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2 **Sec. B-9. Appropriation balances at year-end.** At the end of each
4 fiscal year, all unencumbered appropriation balances representing
6 state money carry forward. Bond proceeds that have not been
lapse to General Fund debt service.

8 **Sec. B-10. Bonds authorized but not issued.** Any bonds authorized
10 but not issued, or for which bond anticipation notes are not
12 issued within 5 years of ratification of this Part, are
14 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.

16 **Sec. B-11. Referendum for ratification; submission at statewide**
18 **election; form of question; effective date.** This Part must be submitted
20 to the legal voters of the State at a statewide election held on
the Tuesday following the first Monday of November following
22 passage of this Act. The municipal officers of this State shall
24 notify the inhabitants of their respective cities, towns 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:

26 "Do you favor a \$12,000,000 bond issue to purchase land and
28 conservation easements statewide from willing sellers for
conservation, water access, wildlife and fish habitat,
30 outdoor recreation, including hunting and fishing, farmland
preservation and working waterfront preservation to be
32 matched by at least \$7,000,000 in private and public
contributions?"

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

46 The Secretary of State shall prepare and furnish to each
48 city, town and plantation all ballots, returns and copies of this
Part necessary to carry out the purposes of this referendum.

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PART C

Sec. C-1. 12 MRSA §1852, sub-§5, ¶C, as enacted by PL 1997, c. 678, §13, is amended to read:

C. With respect to persons with residential leasehold interests in public reserved lands on October 1, 1975 or on lands exchanged for public reserved lands or on lands acquired with Land for Maine's Future funds with respect to residential and camp owner leases in existence on or before November 30, 2005, shall enter into new leasehold agreements with those persons and thereafter renew those leases from time to time on reasonable terms and conditions as long as the lessee complies with the terms and conditions of the leases and with all applicable laws and rules of the State.

Sec. C-2. Application; contingent on bond issue. This Part takes effect only if the bond issue in Part B is approved by the voters of this State.

PART D

Sec. D-1. Authorization of bonds. 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 \$20,000,000 for the purposes described in section 6 of this Part. 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. D-2. Records of bonds issued kept by 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. D-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 projects in this Part lapse to the debt service account established for the retirement of these bonds.

12/18

2 **Sec. D-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.

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6 **Sec. D-5. Disbursement of bond proceeds.** The proceeds of the
bonds must be expended as set out in this Part under the
direction and supervision of the Department of Education, the
8 Department of Economic and Community Development, the Maine State
Cultural Affairs Council, the Small Enterprise Growth Board, the
10 University of Maine and the University of Maine System.

12 **Sec. D-6. Allocations from General Fund bond issue.** The proceeds
of the sale of the bonds authorized under this Part must be
14 expended as designated in the following schedule.

16 **DEPARTMENT OF ECONOMIC AND
COMMUNITY DEVELOPMENT**

18 Provides funds for the Maine Biomedical \$8,000,000
20 Research Fund to support capital
infrastructure and equipment in
22 anticipation of approximately
\$36,000,000 in federal and private
24 funds. Eligible institutions
are those delineated in the Maine Revised
26 Statutes, Title 5, section 13103.

28 Provides funds for the Marine Infrastructure \$4,000,000
and Technology Fund administered by the Maine
30 Technology Institute to match \$4,000,000 in
federal and private funding for competitive
32 capital infrastructure grants to nonprofit
marine research laboratories, institutions and
34 state governmental and quasi-governmental agencies.
Eight hundred fifty thousand dollars is set aside
36 to purchase the property known as Black Duck Cove on
Great Wass Island to serve as the home of the
38 Downeast Institute for Applied Marine Research
and Education. If the institute receives \$1,000,000
40 or more from the Federal Government for this
purpose, then the funds set aside are to be
42 awarded as competitive grants.

44 **SMALL ENTERPRISE GROWTH BOARD**

46 Provides funds for the Small Enterprise \$1,000,000
Growth Fund to make equity investments
48 in small Maine companies with the potential

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2 for high growth to leverage funds of at least
\$1,000,000.

4 MAINE STATE CULTURAL AFFAIRS COUNCIL

6 Provides funds for the New Century Community \$1,000,000
Program in anticipation of \$3,000,000 in
8 matching funds to invest in capital improvements
improving cultural assets, including
10 libraries, museums, historical buildings,
theaters and arts facilities.

12 DEPARTMENT OF EDUCATION

14 Provides funds for the development of the \$1,000,000
16 Sunrise Business and Career Center in the
Town of Jonesboro.

18 UNIVERSITY OF MAINE

20 Provides funds for the Laboratory for \$2,000,000
22 Surface Science Technology.

24 Provides funds to renovate Camden Hall on the \$1,000,000
University of Maine Bangor campus for a
26 graduate school for biomedical science.

28 UNIVERSITY OF MAINE SYSTEM

30 Provides funds for the career center \$2,000,000
32 facility at the University of Southern
Maine's Lewiston-Auburn College.
34 Funds will be used for capital costs
and equipment for the center.

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

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

46 **Sec. D-9. Bonds authorized but not issued.** Any bonds authorized
but not issued, or for which bond anticipation notes are not
48 issued within 5 years of ratification of this Part, are
deauthorized and may not be issued, except that the Legislature
50 may, within 2 years after the expiration of that 5-year period,

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2 extend the period for issuing any remaining unissued bonds or
bond anticipation notes for an additional amount of time not to
4 exceed 5 years.

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

16 "Do you favor a \$20,000,000 bond issue to stimulate economic
growth and job creation through investments in the Maine
18 economy in anticipation of approximately \$44,000,000 in
federal and private funds for medical research and
development; marine research and development; equity
20 investments in small Maine companies with potential for high
growth; the New Century Community Program for capital
22 improvements to cultural resources; the renovation of Camden
Hall on the University of Maine Bangor campus for a graduate
24 school for biomedical science; the development of the
Laboratory for Surface Science Technology; capital costs and
26 equipment for the career center facility at the University
of Southern Maine's Lewiston-Auburn College; and the
28 development of the Sunrise Business and Career Center in the
Town of Jonesboro?"

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

42 The Secretary of State shall prepare and furnish to each
44 city, town and plantation all ballots, returns and copies of this
Part necessary to carry out the purposes of this referendum.

PART E

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2 **Sec. E-1. Authorization of bonds.** The Treasurer of State is
authorized, under the direction of the Governor, to issue bonds
4 in the name and on behalf of the State in an amount not exceeding
\$9,000,000 for the purposes described in section 6 of this Part.
6 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
8 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.

10 **Sec. E-2. Records of bonds issued kept by Treasurer of State.** The
12 Treasurer of State shall keep an account of each bond showing the
number of the bond, the name of the successful bidder to whom
14 sold, the amount received for the bond, the date of sale and the
date when payable.

16 **Sec. E-3. Sale; how negotiated; proceeds appropriated.** The
18 Treasurer of State may negotiate the sale of the bonds by
direction of the Governor, but no bond may be loaned, pledged or
20 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
22 by the Treasurer of State upon warrants drawn by the State
Controller, are appropriated solely for the purposes set forth in
24 this Part. Any unencumbered balances remaining at the completion
of the projects in this Part lapse to the debt service account
26 established for the retirement of these bonds.

28 **Sec. E-4. Interest and debt retirement.** The Treasurer of State
shall pay interest due or accruing on any bonds issued under this
30 Part and all sums coming due for payment of bonds at maturity.

32 **Sec. E-5. Disbursement of bond proceeds.** The proceeds of the
bonds must be expended as set out in this Part under the
34 direction and supervision of the University of Maine System, the
University of Southern Maine and the Maine Community College
36 System.

38 **Sec. E-6. Allocations from General Fund bond issue.** The proceeds
of the sale of the bonds authorized under this Part must be
40 expended as designated in the following schedule.

42 **UNIVERSITY OF MAINE SYSTEM**

44 Provides funds for building renovations \$2,000,000
on campuses of the University of Maine
46 System.

48 **UNIVERSITY OF SOUTHERN MAINE**

Provides funds to improve and expand the facilities of the Osher Lifelong Learning Institute at the University of Southern Maine to match \$4,000,000 in private funding. \$2,000,000

MAINE COMMUNITY COLLEGE SYSTEM

Provides funds for building renovations at community college campuses. \$5,000,000

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

Sec. E-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. E-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. E-10. Referendum for ratification; submission at statewide election; form of question; effective date. This Part must be submitted to the legal voters of the State at a statewide election held on the Tuesday following the first Monday of November following passage of this Act. 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 statewide election, to vote on the acceptance or rejection of this Part by voting on the following question:

"Do you favor a \$9,000,000 bond issue to make building renovations at campuses of the University of Maine System, improve and expand the facilities of the Osher Lifelong Learning Institute at the University of Southern Maine and make building renovations at campuses of the Maine Community College System?"

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

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2 the word "Yes" or "No." The ballots must be received, sorted,
4 counted and declared in open ward, town and plantation meetings
6 and returns made to the Secretary of State in the same manner as
8 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.

10 The Secretary of State shall prepare and furnish to each
12 city, town and plantation all ballots, returns and copies of this
Part necessary to carry out the purposes of this referendum.

14 **PART F**

16 **Sec. F-1. Authorization of bonds.** The Treasurer of State is
18 authorized, under the direction of the Governor, to issue bonds
in the name and on behalf of the State in an amount not exceeding
20 \$8,900,000 for the purposes described in section 6 of this Part.
The bonds are a pledge of the full faith and credit of the
22 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
24 Governor, any issuance of bonds may contain a call feature.

26 **Sec. F-2. Records of bonds issued kept by Treasurer of State.** The
Treasurer of State shall keep an account of each bond showing the
28 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
30 date when payable.

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

42 **Sec. F-4. Interest and debt retirement.** The Treasurer of State
44 shall pay interest due or accruing on any bonds issued under this
Part and all sums coming due for payment of bonds at maturity.

46 **Sec. F-5. Disbursement of bond proceeds.** The proceeds of the
48 bonds must be expended as set out in this Part under the
direction and supervision of the Department of Agriculture, Food

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2 and Rural Resources, the Department of Environmental Protection,
the Department of Health and Human Services and the University of
Maine System.

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6 **Sec. F-6. Allocations from General Fund bond issue.** The proceeds
of the sale of the bonds authorized under this Part must be
expended as designated in the following schedule.

8
10 **DEPARTMENT OF AGRICULTURE, FOOD AND
RURAL RESOURCES**

12 Provides funds for sustainable water sources \$1,000,000
and irrigation system development to leverage
14 private funds of \$800,000.

16 **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

18 Provides funds for a wastewater state \$2,600,000
revolving fund to be matched by \$13,000,000
20 in other funds.

22 Provides funds for loans and grants for \$1,000,000
construction and improvements in the Small
24 Community Grants program.

26 **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

28 Provides funds for grants and low-interest \$3,500,000
loans to construct and upgrade public water
30 systems matched by \$17,500,000 in
federal funds.

32 **UNIVERSITY OF MAINE SYSTEM**

34 Provides funds for the repair and improvement \$800,000
36 of the Witter Veterinary Technician Facility
at the University of Maine.

38
40 **Sec. F-7. Contingent upon ratification of bond issue.** Sections 1
to 6 do not become effective unless the people of the State
ratify the issuance of the bonds as set forth in this Part.

42
44 **Sec. F-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
46 expended within 10 years after the date of the sale of the bonds
lapse to General Fund debt service.

48
50 **Sec. F-9. Bonds authorized but not issued.** Any bonds authorized
but not issued, or for which bond anticipation notes

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2 are not issued within 5 years of ratification of this Part, are
deauthorized and may not be issued, except that the Legislature
4 may, within 2 years after the expiration of that 5-year period,
extend the period for issuing any remaining unissued bonds or
6 bond anticipation notes for an additional amount of time not to
exceed 5 years.

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

18 "Do you favor an \$8,900,000 bond issue for purposes related
to agriculture and the environment in anticipation of
20 approximately \$31,000,000 in federal funds to be used for
sustainable water sources and irrigation system development,
22 loans from a wastewater state revolving fund, grants from a
small community grants program, support of public water
24 system improvements and repairs and improvements to a
veterinary technician facility at the University of Maine?"
26

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

38 The Secretary of State shall prepare and furnish to each
40 city, town and plantation all ballots, returns and copies of this
Act necessary to carry out the purposes of this referendum.'
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44 **SUMMARY**

46 This amendment strikes and replaces the bill and changes the
title.
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PART A

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The amendment changes the amount of the bond to \$33,100,000, deletes the reference to development of rail corridors and improvements to railroad structures and adds references to reflect the bond proceeds will be used to rebuild a bulkhead at the Gulf of Maine Research Institute and rebuild the historic pier at Fort Preble in South Portland.

PART B

The amendment adds this new Part, which authorizes a bond issue to recapitalize the Land for Maine's Future program with \$12,000,000 to continue the State's land conservation efforts and to establish a pilot working waterfront program, to be matched by at least \$7,000,000 in private and public funds.

PART C

The amendment adds this new Part to clarify the Legislature's intent to establish a preference for projects with regional benefits among those applications to the Land for Maine's Future program for projects of local and regional significance.

PART D

The amendment adds this new Part, which authorizes a bond issue in the amount of \$20,000,000. The funds will be used:

1. For medical research and development;
2. For marine research and development for competitive capital infrastructure grants, of which \$850,000 is set aside to purchase the property known as Black Duck Cove on Great Wass Island to serve as the home of the Downeast Institute for Applied Marine Research and Education. If the institute receives \$1,000,000 or more from the Federal Government for this purpose, then the funds set aside are to be awarded as competitive grants;
3. For the Small Enterprise Growth Fund for equity investments in small Maine companies with potential for high growth;
4. For the New Century Community Program for capital improvements to cultural resources;
5. For the development of the Sunrise Business and Career Center in the Town of Jonesboro;
6. To fund the Laboratory for Surface Science Technology;

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7. To renovate Camden Hall on the University of Maine Bangor campus for a graduate school for biomedical science; and

8. For capital costs and equipment for the career center facility at the University of Southern Maine's Lewiston-Auburn College.

PART E

The amendment adds this new Part, which authorizes a bond issue in the amount of \$9,000,000. The funds will be used:

1. To make building renovations at campuses of the University of Maine System;

2. To improve and expand the facilities of the Osher Lifelong Learning Institute at the University of Southern Maine. The Osher Foundation has offered to provide \$4,000,000 in private funds to match \$2,000,000 in state funds; and

3. To make building renovations at campuses of the Maine Community College System.

PART F

The amendment adds this new Part, which authorizes a bond issue in the amount of \$8,900,000, to be used:

1. For sustainable water sources and irrigation system development;

2. For a wastewater state revolving fund;

3. For construction and improvements in the Small Community Grants program;

4. To support public water system improvements that address public health threats; and

5. For the repair and improvement of the Witter Veterinary Technician Facility at the University of Maine.

FISCAL NOTE REQUIRED
(See attached)



122nd MAINE LEGISLATURE

LD 998

LR 2238(02)

An Act To Authorize Department of Transportation Bond Issues To Match Available Federal Funds for Improvements to Highways and Bridges; Airports; Public Transit; State-owned Ferry Vessels and Ferry and Port Facilities; Port and Harbor Structures; Development of Rail Corridors and Improvements to Railroad Structures; and Statewide Trail and Pedestrian Improvements

Fiscal Note for Bill as Amended by Committee Amendment *A*

Committee: Appropriations and Financial Affairs

Fiscal Note Required: Yes

Fiscal Note

Current biennium cost increase - General Fund

Current biennium cost increase - Highway Fund

Bond Issues	Term(years)	Principal	Rate (%)	Interest	Total Cost
General Fund - Non-taxable	10	\$51,000,000	4.1%	\$11,500,500	\$62,500,500
General Fund - Taxable	10	\$5,000,000	5.3%	\$1,457,500	\$6,457,500
Highway Fund - Non-taxable	10	\$27,000,000	4.1%	\$6,088,500	\$33,088,500
		<u>\$83,000,000</u>		<u>\$19,046,500</u>	<u>\$102,046,500</u>

Referendum Costs	Month/Year	Election Type	Question	Length
	Nov-05	General	Bond Issue	Lengthy

The Secretary of State's budget includes sufficient funds to accommodate one ballot of average length for the general election in November. If the number or size of the referendum questions increases the ballot length, an additional appropriation of \$8,000 or more may be required.