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H.P. 287

House of Representatives, January 25, 2007

An Act To Authorize a General Fund Bond Issue for the Land for Maine's Future Program

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

Millicent M. Mac failand

MILLICENT M. MacFARLAND Clerk

Presented by Representative FLOOD of Winthrop. Cosponsored by Senator TURNER of Cumberland and Representatives: BABBIDGE of Kennebunk, BEAULIEU of Auburn, Speaker CUMMINGS of Portland, KOFFMAN of Bar Harbor, MILLER of Somerville, PIOTTI of Unity, SMITH of Monmouth, Senator: McCORMICK of Kennebec. 1 **Preamble.** Two thirds of both Houses of the Legislature deeming it necessary in 2 accordance with the Constitution of Maine, Article IX, Section 14 to authorize the 3 issuance of bonds on behalf of the State of Maine to provide funds as described in this 4 Act,

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

6 Sec. 1. Authorization of bonds. The Treasurer of State is authorized, under the 7 direction of the Governor, to issue bonds in the name and on behalf of the State in an 8 amount not exceeding \$40,000,000 for the purposes described in section 6 of this Act and 9 to access \$20,000,000 in matching contributions from public and private sources. No 10 more than \$20,000,000 in bonds may be issued within the first year after ratification of the issuance of bonds as set forth in this Act and no more than \$20,000,000 may be issued 11 12 in the subsequent year. The bonds are a pledge of the full faith and credit of the State. 13 The bonds may not run for a period longer than 10 years from the date of the original 14 issue of the bonds. At the discretion of the Treasurer of State, with the approval of the 15 Governor, any issuance of bonds may contain a call feature.

16 Sec. 2. Records of bonds issued kept by Treasurer of State. The Treasurer 17 of State shall keep an account of each bond showing the number of the bond, the name of 18 the successful bidder to whom sold, the amount received for the bond, the date of sale and 19 the date when payable.

Sec. 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 Act. Any unencumbered balances remaining at the completion of the project in this Act lapse to the debt service account established for the retirement of these bonds.

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

30 Sec. 5. Disbursement of bond proceeds allocated to Land for Maine's 31 Future Board. The proceeds of the bonds must be expended under the direction and 32 supervision of the Land for Maine's Future Board for acquisition of land and interest in 33 land for conservation, water access, outdoor recreation, wildlife and fish habitat and 34 farmland preservation in accordance with the provisions for such acquisitions under the 35 Maine Revised Statutes, Title 5, chapter 353, including all costs associated with such 36 acquisitions, except that use of the proceeds of these bonds is subject to the following conditions and requirements. 37

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

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2. Payments from bond proceeds for acquisitions of local or regional significance, as determined by the Land for Maine's Future Board, may be made directly to cooperating entities as 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 Act.

6 3. The bond funds must be matched with at least \$20,000,000 in public and private 7 contributions. Seventy percent of that amount must be in the form of cash or other 8 tangible assets, including the value of land and real property interest acquired by or 9 contributed to cooperating entities when property interests have a direct relationship to 10 the property proposed for protection, as determined by the Land for Maine's Future 11 Board. The remaining 30% may be matching contributions and may include the value of 12 project-related, in-kind contributions of goods and services to and by cooperating entities.

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

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

18 6. To the extent the purposes are consistent with the disbursement provisions in this
19 Act, 100% of the bond proceeds may be considered as state match for any federal funding
20 to be made available to the State.

21 Sec. 6. Allocations from General Fund bond issue. The proceeds of the sale 22 of the bonds authorized under this Act must be expended as designated in the following 23 schedule.

- 24 LAND FOR MAINE'S FUTURE
- 25 BOARD
- 26
- 27 Provides funds to be used for the
- 28 acquisition of land and interest in land for
- 29 public land and water access,
- 30 conservation, wildlife and fish habitat,
- 31 outdoor recreation, including hunting and
- 32 fishing, and farmland preservation.

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

36 Sec. 8. Appropriation balances at year-end. At the end of each fiscal year, all 37 unencumbered appropriation balances representing state money carry forward. Bond 38 proceeds that have not been expended within 10 years after the date of the sale of the 39 bonds lapse to General Fund debt service.

\$40,000,000

1 Sec. 9. Bonds authorized but not issued. Any bonds authorized but not issued, 2 or for which bond anticipation notes are not issued within 5 years of ratification of this 3 Act, are deauthorized and may not be issued, except that the Legislature may, within 2 4 years after the expiration of that 5-year period, extend the period for issuing any 5 remaining unissued bonds or bond anticipation notes for an additional amount of time not 6 to exceed 5 years.

7 Sec. 10. Referendum for ratification; submission at election; form of 8 question; effective date. This Act must be submitted to the legal voters of the State at 9 a statewide election held in the month of November following the passage of this Act. 10 The municipal officers of this State shall notify the inhabitants of their respective cities, 11 towns and plantations to meet, in the manner prescribed by law for holding a statewide 12 election, to vote on the acceptance or rejection of this Act by voting on the following 13 question:

"Do you favor a \$40,000,000 bond issue to purchase land and
conservation easements statewide from willing sellers for public land and
water access, conservation, wildlife and fish habitat, outdoor recreation
including hunting and fishing and farmland preservation, to be matched
by at least \$20,000,000 in private and public contributions?"

19 The legal voters of each city, town and plantation shall vote by ballot on this question 20 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 21 declared in open ward, town and plantation meetings and returns made to the Secretary of 22 State in the same manner as votes for members of the Legislature. The Governor shall 23 24 review the returns. If a majority of the legal votes are cast in favor of this Act, the 25 Governor shall proclaim the result without delay and this Act becomes effective 30 days after the date of the proclamation. 26

The Secretary of State shall prepare and furnish to each 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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SUMMARY

The funds provided by this bond issue, in the amount of \$40,000,000, will be used to recapitalize the Land for Maine's Future program over 2 years to continue the State's land

33 conservation efforts, leveraging a minimum of \$20,000,000 in required matching funds.