

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1222

S.P. 423

March 8, 2007

**An Act To Authorize a General Fund Bond Issue for Wastewater
Infrastructure on the Penobscot River and To Require Testing
Relating to Publicly Owned Treatment Works**

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

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator ROSEN of Hancock.

Cosponsored by Representative DUCHESNE of Hudson and Senators: PERRY of Penobscot, SCHNEIDER of Penobscot, Representatives: CAIN of Orono, FAIRCLOTH of Bangor, ROSEN of Bucksport.

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 as described in this Act,

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

PART A

Sec. A-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 \$10,000,000 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. 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 project in section 6 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 Environmental Protection.

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

**DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

1 Provides funds for a wastewater state \$10,000,000
2 revolving fund for combined sewer
3 overflow abatement of publicly owned
4 treatment works on the Penobscot River
5 from Millinocket to Penobscot Bay.

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

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

13 **Sec. A-9. Bonds authorized but not issued.** Any bonds authorized but not
14 issued, or for which bond anticipation notes are not issued within 5 years of ratification of
15 this Part, are deauthorized and may not be issued, except that the Legislature may, within
16 2 years after the expiration of that 5-year period, extend the period for issuing any
17 remaining unissued bonds or bond anticipation notes for an additional amount of time not
18 to exceed 5 years.

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

26 "Do you favor a \$10,000,000 bond issue to provide funds to a state
27 wastewater revolving fund for combined sewer overflow abatement of
28 publicly owned treatment works on the Penobscot River from
29 Millinocket to Penobscot Bay?"

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

PART B

Sec. B-1. 38 MRSA §414-B, sub-§5 is enacted to read:

5. Reports from nonsystem users. Each publicly owned treatment works shall submit to the department a monthly report in connection with effluent that is transported by truck to the publicly owned treatment works or that is otherwise received from users that are not connected to the publicly owned treatment works. The report must identify the levels of mercury and other heavy metals that are contained in the following:

- A. The effluent introduced into the publicly owned treatment works;
- B. The effluent discharged from the publicly owned treatment works; and
- C. The sludge generated by the publicly owned treatment works.

The department shall adopt rules to identify the heavy metals that must be reported pursuant to this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

SUMMARY

The funds provided by this bond issue, in the amount of \$10,000,000, will be used to fund a state wastewater revolving fund for combined sewer overflow abatement of publicly owned treatment works on the Penobscot River from Millinocket to Penobscot Bay. The bill also requires publicly owned treatment works to submit monthly reports to the Department of Environmental Protection in connection with effluent received from users that are not connected to the publicly owned treatment works.