## MAINE STATE LEGISLATURE

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## 123rd MAINE LEGISLATURE

## **SECOND REGULAR SESSION-2008**

Legislative Document

No. 2169

S.P. 830

January 24, 2008

An Act To Amend the Laws Pertaining To Storm Water Management and To Authorize a General Fund Bond Issue for Drinking Water Management

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator BARTLETT of Cumberland. Cosponsored by Representative BLISS of South Portland.

1 **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 2 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:

PART A 6

- 7 Sec. A-1. 38 MRSA §420-D, sub-§7, ¶H is enacted to read:
- 8 H. Disturbed areas created after January 1, 2008 of 5 acres or less associated with 9 utility substations are required to meet only the basic standards under storm water 10 management rules adopted by the department.
- 11 Sec. A-2. Retroactivity. This act applies retroactively to January 1, 2008.

PART B 12

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- Sec. B-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 \$1,700,000 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.
- 20 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, 21 the name of the successful bidder to whom sold, the amount received for the bond, the 22 23 date of sale and the date when payable.
  - Sec. B-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 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 under this Part and all sums coming due for 33 payment of bonds at maturity.
- 34 **Sec. B-5. Disbursement of bond proceeds.** The proceeds of the bonds must be 35 expended as set out in this Part under the direction and supervision of the Department of Health and Human Services and the Department of Environmental Protection. 36

1 2 3	Sec. B-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.
4	DEPARTMENT OF HEALTH AND
5	HUMAN SERVICES
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7	Provides funds for a drinking water \$850,000
8	revolving loan fund in the department to
9	be matched by \$4,250,000 in other funds.
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11	DEPARTMENT OF
12	ENVIRONMENTAL PROTECTION
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14	Provides funds for a clean water \$850,000
15	treatment facility state revolving loan
16	fund to be matched by \$4,250,000 in
17	other funds.
18 19 20	<b>Sec. B-7. Contingent upon ratification of bond issue.</b> Sections 1 to 6 do no become effective unless the people of the State ratify the issuance of the bonds as seforth in this Part.
21	Sec. B-8. Appropriation balances at year-end. At the end of each fiscal year
22	all unencumbered appropriation balances representing state money carry forward. Bon
23	proceeds that have not been expended within 10 years after the date of the sale of the
24	bonds lapse to General Fund debt service.
25	Sec. B-9. Bonds authorized but not issued. Any bonds authorized but no
26	issued, or for which bond anticipation notes are not issued within 5 years of ratification of
27	this Part, are deauthorized and may not be issued, except that the Legislature may, withi
28	2 years after the expiration of that 5-year period, extend the period for issuing an
29	remaining unissued bonds or bond anticipation notes for an additional amount of time no
30	to exceed 5 years.
31	Sec. B-10. Referendum for ratification; submission at election; form o
32	question; effective date. This Part must be submitted to the legal voters of the State a
32 33	a statewide election held in the month of November following the passage of this Ac
34	The municipal officers of this State shall notify the inhabitants of their respective cities
35	towns and plantations to meet, in the manner prescribed by law for holding a statewid
36	election, to vote on the acceptance or rejection of this Part by voting on the followin
37	question:
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38 39	"Do you favor a \$1,700,000 bond issue to support drinking water programs and to support the construction of clean water treatment
39 40	facilities and will leverage \$8,500,000 in other funds?"

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. 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 purposes of this referendum.

12 SUMMARY

Part A of this bill requires disturbed areas created after January 1, 2008 that are associated with utility substations to meet only the basic standards for storm water management under the rules of the Department of Environmental Protection.

The funds provided by the bond issue in Part B, in the amount of \$1,700,000, will be used to support drinking water programs and to support the construction of wastewater treatment facilities and will leverage \$8,500,000 in other funds.