

# MAINE STATE LEGISLATURE

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Date: 4-7-10

(Filing No. S-527)

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STATE OF MAINE  
SENATE  
124TH LEGISLATURE  
SECOND REGULAR SESSION

SENATE AMENDMENT "E" to COMMITTEE AMENDMENT "A" to H.P. 1313, L.D. 1826, Bill, "An Act To Authorize Bond Issues for Ratification by the Voters for the June 2010 Election"

Amend the amendment by striking out everything after the enacting clause and before the summary and inserting the following:

PART A

Sec. A-1. PL 2009, c. 414, Pt. D, §1 is amended to read:

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 \$33,500,000 \$19,500,000 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. PL 2009, c. 414, Pt. D, §5, as amended by PL 2009, c. 571, Pt. PP, §1, is further amended to read:

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 ~~Public Utilities Commission~~, the University of Maine System, the Maine Maritime Academy and the Maine Community College System.

Sec. A-3. PL 2009, c. 414, Pt. D, §6, as amended by PL 2009, c. 571, Pt. PP, §2, is repealed and the following enacted in its place:

Sec. D-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.

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**UNIVERSITY OF MAINE SYSTEM**

**University of Maine System**

Provides funds for energy and infrastructure upgrades at all campuses of the University of Maine System. \$9,000,000

**MAINE COMMUNITY COLLEGE SYSTEM**

**Maine Community College System**

Provides funds for energy and infrastructure upgrades at all campuses of the Maine Community College System. \$4,500,000

**MAINE MARITIME ACADEMY**

**Maine Maritime Academy**

Provides funds for energy and infrastructure upgrades at the Maine Maritime Academy. \$500,000

**UNIVERSITY OF MAINE SYSTEM**

**Maine Marine Wind Energy Demonstration Site Fund**

Provides funds for research, development and product innovation associated with developing one or more ocean wind energy demonstration sites. It also provides funding for robotics equipment to accelerate wind energy components manufacturing in the State. The funds will leverage \$24,500,000 in other funds. \$6,000,000

39 **Sec. A-4. PL 2009, c. 414, Pt. D, §10 is amended to read:**

40 **Sec. D-10. Referendum for ratification; submission at election; form of**  
41 **question; effective date.** This Part must be submitted to the legal voters of the State at  
42 a statewide election held in June 2010 following passage of this Act. The municipal  
43 officers of this State shall notify the inhabitants of their respective cities, towns and  
44 plantations to meet, in the manner prescribed by law for holding a statewide election, to  
45 vote on the acceptance or rejection of this Part by voting on the following question:

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"Do you favor a ~~\$33,500,000~~ \$19,500,000 bond issue to provide for investments in weatherization and energy efficiency projects; for infrastructure and energy efficiency upgrades at campuses of the University of Maine System, the Maine Community College System and the Maine Maritime Academy; and for the creation of a fund to develop one or more ocean wind energy demonstration sites?"

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.

**PART B**

**Sec. B-1. PL 2009, c. 414, Pt. B, §1** is amended to read:

**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 ~~\$25,000,000~~ \$19,000,000 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. B-2. PL 2009, c. 414, Pt. B, §6** is amended to read:

**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.

**MAINE HISTORIC PRESERVATION  
COMMISSION**

Establishes a revolving fund for the purpose of acquiring significant historic properties. ~~\$1,500,000~~ \$1,000,000

**DEPARTMENT OF ECONOMIC AND  
COMMUNITY DEVELOPMENT**

6

6

R. of S.

1 Provides funds to make investments under \$3,500,000 ~~\$2,000,000~~  
 2 the Communities for Maine's Future  
 3 Program in competitive community and  
 4 economic revitalization projects, which  
 5 must be matched with at least ~~\$3,500,000~~  
 6 \$2,000,000.

7  
8 **Maine Technology Institute**

9  
10 Provides funds for research and \$3,000,000 ~~\$2,000,000~~  
 11 development and commercialization as  
 12 prioritized by the Office of Innovation's  
 13 current Science and Technology Action  
 14 Plan for Maine. The funds must be  
 15 allocated to environmental and renewable  
 16 energy technology, biomedical an  
 17 biotechnology, aquaculture and marine  
 18 technology, composite materials  
 19 technology, advanced technologies for  
 20 forestry and agriculture, information  
 21 technology and precision manufacturing  
 22 technology through a competitive process  
 23 and must be awarded to Maine-based  
 24 public and private institutions and must be  
 25 awarded to leverage matching funds of at  
 26 least ~~\$3,000,000~~ \$2,000,000.

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28 **Brunswick Naval Air Station**  
29 **Redevelopment**

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31 Provides for redevelopment projects at the \$8,000,000  
 32 Brunswick Naval Air Station, including the  
 33 rehabilitation of buildings, federal  
 34 Americans with Disabilities Act and fire  
 35 code compliance and other site  
 36 improvements, including up to \$4,750,000  
 37 for the development of a higher education  
 38 engineering and economic development  
 39 center. These funds will leverage  
 40 \$32,500,000 in federal funds.

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42 **FINANCE AUTHORITY OF MAINE**

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2	Provides grants for food processing for	\$1,000,000
3	fishing, agricultural, dairy and lumbering	
4	industries within the State.	
5		
6	<b>Economic Recovery Loan Program</b>	\$3,000,000
7		
8	<b>Small Enterprise Growth Fund</b>	
9		
10	Provides funds for disbursements to	\$5,000,000
11	qualifying small businesses in the State	
12	seeking to pursue eligible projects.	

13           **Sec. B-3. PL 2009, c. 414, Pt. B, §10** is amended to read:

14           **Sec. B-10. Referendum for ratification; submission at election; form of**  
15 **question; effective date.** This Part must be submitted to the legal voters of the State at  
16 a statewide election held in June 2010 following passage of this Act. The municipal  
17 officers of this State shall notify the inhabitants of their respective cities, towns and  
18 plantations to meet, in the manner prescribed by law for holding a statewide election, to  
19 vote on the acceptance or rejection of this Part by voting on the following question:

20                   "Do you favor a ~~\$25,000,000~~ \$19,000,000 bond issue to provide capital  
21 investment to stimulate economic development and job creation by  
22 making investments under the Communities for Maine's Future Program  
23 and in historic properties; providing funding for research and  
24 development investments awarded through a competitive process;  
25 providing funds for disbursements to qualifying small businesses; and  
26 providing grants for food processing for fishing, agricultural, dairy and  
27 lumbering businesses within the State and redevelopment projects at the  
28 Brunswick Naval Air Station that will make the State eligible for over  
29 ~~\$39,000,000~~ \$36,500,000 in federal and other matching funds?"

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.

# SENATE AMENDMENT

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PART C

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**Sec. C-1. PL 2009, c. 414, Pt. E, §1** is amended to read:

**Sec. E-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 \$9,500,000 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. C-2. PL 2009, c. 414, Pt. E, §5** is amended to read:

**Sec. E-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 Executive Department, State Planning Office and ~~the Department of Conservation~~. The proceeds of the bonds for the Land for Maine's Future Board must be expended for acquisition of land and interest in land for conservation, water access, outdoor recreation, wildlife and fish habitat, farmland preservation in 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.

1. 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, rules and regulations and except for working waterfront projects and farmland protection projects.

2. Payment 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 its 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 and farmland.

3. The bond funds expended for conservation, recreation, farmland and water access must be matched with at least \$6,500,000 in public and private contributions. Seventy percent of that amount must be in the form of cash or other tangible assets, including the value of land and real property interest acquired by or contributed to cooperating entities, as defined in Title 5, section 6201, subsection 2, when property interests have a direct relationship to the property proposed for protection, as determined by the Land for Maine's Future Board. The remaining 30% may be matching contributions and may include the value of project-related, in-kind contributions of goods and services to and by cooperating entities.

1 4. Of the bond proceeds allocated to the Land for Maine's Future Board, \$1,000,000  
2 must be made available to protect farmland in accordance with Title 5, section 6207.

3 5. Of the bond proceeds allocated to the Land for Maine's Future Board, \$2,000,000  
4 must be made available to protect working waterfront properties in accordance with  
5 Public Law 2005, chapter 462, Part B, section 6.

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

9 **Sec. C-3. PL 2009, c. 414, Pt. E, §6** is amended to read:

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

13 **EXECUTIVE DEPARTMENT**

14 **State Planning Office**

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

16  
17 Provides funds in order to leverage \$6,500,000  
18 \$6,500,000 in other funds to be used for the  
19 acquisition of land and interest in land for  
20 conservation; water access, wildlife and  
21 fish habitat; outdoor recreation, including  
22 hunting and fishing; and farmland  
23 preservation.

24 Provides funds to be used for working \$1,000,000  
25 farmland preservation in order to leverage  
26 \$1,000,000 in other funds.

27 Provides funds to be used for working \$2,000,000  
28 waterfront preservation in order to leverage  
29 \$2,000,000 in other funds.

30 **DEPARTMENT OF CONSERVATION**

31 **Bureau of Parks and Lands**

32 Provides funds to preserve state parks and \$500,000  
33 properties managed by the Department of  
34 Conservation.

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42 **Sec. C-4. PL 2009, c. 414, Pt. E, §10** is amended to read:



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**Sec. E-10. Referendum for ratification; submission at election; form of question; effective date.** This Part must be submitted to the legal voters of the State at a statewide election held in November 2010 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 \$10,000,000 ~~\$10,000,000~~ \$9,500,000 bond issue to invest in land conservation and working waterfront preservation ~~and to preserve state parks~~ to be matched by \$9,500,000 in federal and 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.

**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 project in this Part lapse to the debt service account established for the retirement of these bonds.

**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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**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 Transportation.

**Sec. D-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.

**DEPARTMENT OF  
TRANSPORTATION**

**General Fund**

Provides funds for state highway reconstruction and paving. \$20,000,000

**Sec. D-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. D-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. D-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. D-10. Referendum for ratification; submission at election; form of question; effective date.** This Part must be submitted to the legal voters of the State at a statewide election held in the month of June 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 \$20,000,000 bond issue to provide funds for state highway reconstruction and paving?"

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.

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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.'

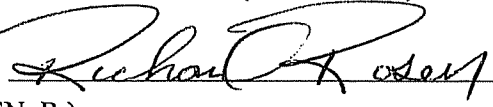
**SUMMARY**

This amendment strikes Committee Amendment "A" and instead:

- 1. Amends Public Law 2009, chapter 414, Part D to decrease the amount of the bond request for infrastructure and energy efficiency upgrades at campuses by \$1,500,000 and eliminates the bond request for weatherization;
- 2. Amends Public Law 2009, chapter 414, Part B to eliminate the \$3,000,000 bond request for the Economic Recovery Loan Program and to decrease the amount of the bond request for:
  - A. Historic preservation by \$500,000;
  - B. Communities for Maine's Future Program by \$1,500,000; and
  - C. The Maine Technology Institute by \$1,000,000;
- 3. Amends Public Law 2009, chapter 414, Part E to eliminate the bond request for the preservation of state parks and properties managed by the Department of Conservation; and
- 4. Authorizes the issuance of \$20,000,000 in bonds to be used for highway reconstruction and paving.

**FISCAL NOTE REQUIRED**

(See attached)

SPONSORED BY: 

(Senator ROSEN, R.)  
COUNTY: Hancock



# 124th MAINE LEGISLATURE

LD 1826

LR 2648(14)

**An Act To Authorize Bond Issues for Ratification by the Voters for the June 2010 Election**

**Fiscal Note for Senate Amendment "E" to Committee Amendment "A"**

**Sponsor: Sen. Rosen of Hancock**

**Fiscal Note Required: Yes**

### Fiscal Note

Bond Issues	Term (years)	Principal	Rate (%)	Interest	Total Cost
General Fund - Non-Taxable	10	(\$61,800,000)	4.0%	(\$13,596,000)	(\$75,396,000)
General Fund - Taxable	10	(\$23,200,000)	5.0%	(\$6,380,000)	(\$29,580,000)

#### Fiscal Detail and Notes

This amendment strikes the committee amendment, reducing bonds authorized by \$85,000,000 and changes the mix of existing bond requests going to the voters.