

MAINE STATE LEGISLATURE

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L.D. 1826

Date: 4-12-10

(Filing No. S-546)

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STATE OF MAINE
SENATE
124TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "J" 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 inserting after the Preamble and before the enacting clause the following:

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation directs the transfer of funds prior to June 30, 2010; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Amend the amendment in Part A in section 1 in the 3rd line (page 1, line 24 in amendment) by striking out the following: "\$69,800,000" and inserting the following: '\$47,800,000'

Amend the amendment in Part A by striking out all of section 6 and inserting the following:

Sec. A-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. \$24,800,000

1 Provides funds for railroads, including \$16,000,000
2 \$7,000,000 to purchase and preserve
3 approximately 240 miles of railroad track
4 in Aroostook County currently owned and
5 operated by the Montreal, Maine and
6 Atlantic Railway, which track upon
7 acquisition by the State must be operated
8 by a rail operator chosen through a
9 competitive process, in consultation with
10 shippers and other stakeholders of the
11 track; \$5,000,000 to purchase a portion of
12 rail line and to make other improvements
13 related to improved freight rail service and
14 preparation for future passenger rail service
15 to Lewiston and Auburn; and \$4,000,000
16 for repairs and improvements of the
17 portions of the Mountain Division Railroad
18 owned by the State.
19
20 Provides funds for marine-related \$7,000,000
21 improvements, including \$6,500,000 for
22 the Ocean Gateway deep water pier and
23 \$500,000 for challenge grants from the
24 Small Harbor Improvement Program.

25 **Sec. A-7. Allocation from approved bond issue.** The \$4,000,000 of the
26 General Fund bond issue authorized by Public Law 2009, chapter 414, Part A, section 6
27 allocated for railroad purposes and approved by the voters of the State at referendum in
28 November 2009 is specifically allocated to capital rail purposes including the purchase
29 and preservation of railroad tracks in Aroostook County and Penobscot County.'

30 Amend the amendment in Part A in section 7 in the first line (page 3, line 6 in
31 amendment) by striking the following: "6" and inserting the following: '7'

32 Amend the amendment in Part A in section 10 by striking out all of the question and
33 inserting the following:

34 ""Do you favor a \$47,800,000 bond issue to create jobs in Maine through
35 improvements to highways, railroads and marine facilities, including port
36 and harbor structures, and specifying the allocation of \$4,000,000 of the
37 transportation bond approved by voters in November 2009 to be used for
38 capital rail purposes?""

39 Amend the amendment by striking out all of Part B and inserting the following:

2009

'PART B

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Sec. B-1. Aroostook County rail task force. The Governor shall establish a task force to work with the Department of Transportation and other interested parties to ensure transparency in the abandonment and acquisition processes and to work on operating arrangements regarding the railroad track located in Aroostook County. The task force must include representatives of the public, private and nonprofit sectors, and include members of the Legislature.'

Amend the amendment in Part C in section 1 in section D-1 in the 3rd line (page 6, line 23 in amendment) by striking out the following: "\$38,500,000" and inserting the following: '\$26,500,000'

Amend the amendment in Part C by striking out all of section 2 and inserting the following:

Sec. C-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. C-3. PL 2009, c. 414, Pt. D, §6, as amended by PL 2009, c. 571, Pt. PP, §2, is further amended to read:

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.

~~PUBLIC UTILITIES COMMISSION~~

~~Public Utilities Commission~~

~~Provides funds for weatherization and energy efficiency programs for low and middle income households and small businesses. If the energy efficiency programs of the commission are transferred to another entity established by the Legislature, the commission shall transfer all unexpended funds to that entity.~~ \$12,000,000

UNIVERSITY OF MAINE SYSTEM

University of Maine System

2023

1 Provides funds for energy and \$9,500,000
 2 infrastructure upgrades at all campuses of
 3 the University of Maine System.
 4
 5 MAINE COMMUNITY COLLEGE
 6 SYSTEM
 7
 8 Maine Community College System
 9
 10 Provides funds for energy and \$5,000,000
 11 infrastructure upgrades at all campuses of
 12 the Maine Community College System.
 13
 14 MAINE MARITIME ACADEMY
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 16 Maine Maritime Academy
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 18 Provides funds for energy and \$1,000,000
 19 infrastructure upgrades at the Maine
 20 Maritime Academy.
 21
 22 DEPARTMENT OF
 23 ADMINISTRATIVE AND FINANCIAL
 24 SERVICES
 25 UNIVERSITY OF MAINE SYSTEM
 26
 27 Maine Marine Wind Energy
 28 Demonstration Site Fund
 29
 30 Provides funds for research, development \$6,000,000-\$11,000,000
 31 and product innovation associated with
 32 developing one or more ocean wind energy
 33 demonstration sites. It also provides
 34 funding for robotics equipment to
 35 accelerate wind energy components
 36 manufacturing in the State. The funds will
 37 leverage \$24,500,000 in other funds.
 38
 39

40 Amend the amendment in Part C in section 3 in section D-10 by striking out all of the
41 question and inserting the following:

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

SENATE AMENDMENT

1 wind energy demonstration sites?" "Do you favor a \$26,500,000 bond
2 issue that will create jobs through investment in an off-shore wind energy
3 demonstration site and related manufacturing to advance Maine's energy
4 independence from imported foreign oil, that will leverage \$24,500,000
5 in federal and other funds and for energy improvements at campuses of
6 the University of Maine System, Maine Community College System and
7 Maine Maritime Academy in order to make facilities more efficient and
8 less costly to operate?"'

9 Amend the amendment by striking out all of Part H and inserting the following:

10 **'PART H**

11 **Sec. H-1.** PL 2009, c. 213, Pt. DD, §§2 to 5 are repealed.

12 **Sec. H-2.** PL 2009, c. 213, Pt. MMM, §2, as amended by PL 2009, c. 571, Pt.
13 UUU, §1, is further amended to read:

14 **Sec. MMM-2. Transfer; Maine Budget Stabilization Fund.**
15 Notwithstanding the Maine Revised Statutes, Title 5, section 1536 or any other provision
16 of law, ~~\$8,279,283~~ \$5,597,244 of the balance in General Fund unappropriated surplus on
17 June 30, 2010 and \$2,488,702 of the balance in General Fund unappropriated surplus on
18 June 30, 2011 must be transferred to the Maine Budget Stabilization Fund no later than
19 June 30, 2011 after all budgeted financial commitments and adjustments considered
20 necessary by the State Controller have been made.

21 **Sec. H-3.** PL 2009, c. 571, Pt. CCC, §1 is amended to read:

22 **Sec. CCC-1. Transfer from Other Special Revenue Funds to**
23 **unappropriated surplus of the General Fund.** Notwithstanding any other
24 provision of law, the State Controller shall transfer ~~\$68,200,000~~ \$63,000,000 on June 30,
25 2010 from Other Special Revenue Funds to the unappropriated surplus of the General
26 Fund. On July 1, 2010, the State Controller shall transfer ~~\$68,200,000~~ \$63,000,000 from
27 the General Fund unappropriated surplus to Other Special Revenue Funds as repayment.
28 This transfer is considered an interfund advance.

29 **Sec. H-4. Transfer from short-term emergency contingency account.** The
30 State Controller shall transfer \$5,427,961 from the short-term emergency contingency
31 account established pursuant to Public Law 2009, chapter 571, Part KK to the General
32 Fund unappropriated surplus no later than June 30, 2010.

33 **Sec. H-5. Transfer from unappropriated surplus at close of fiscal year**
34 **2009-10 to the Department of Transportation, Railroad Assistance Program,**
35 **General Fund account.** Notwithstanding any other provision of law, at the close of
36 fiscal year 2009-10, the State Controller shall transfer up to \$7,000,000 from the
37 unappropriated surplus of the General Fund to the Department of Transportation,
38 Railroad Assistance Program, General Fund account after all required deductions of
39 appropriations, budgeted financial commitments and adjustments considered necessary
40 by the State Controller have been made and as the first priority after the transfers required

2013

1 pursuant to the Maine Revised Statutes, Title 5, sections 1507 and 1511 and before the
2 transfer required pursuant to Title 5, section 1536.

3 **Sec. H-6. Transfers considered adjustment to appropriations.**
4 Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision
5 of law, amounts transferred pursuant to this Part are considered adjustments to
6 appropriations in fiscal year 2010-11. These funds may be allotted by financial order
7 upon recommendation of the State Budget Officer and approval of the Governor.

8 **Sec. H-7. Appropriations and allocations.** The following appropriations and
9 allocations are made.

10 **TRANSPORTATION, DEPARTMENT OF**

11 **Railroad Assistance Program 0350**

12 Initiative: Appropriates funds for the acquisition of track in Aroostook County currently
13 owned and operated by the Montreal, Maine and Atlantic Railway. These funds may not
14 lapse, but must be carried forward to carry out the intent of this appropriation.

15	GENERAL FUND	2009-10	2010-11
16	Capital Expenditures	\$0	\$7,000,000
17			
18	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$7,000,000</u>

19 **TRANSPORTATION, DEPARTMENT OF**
20 **DEPARTMENT TOTALS**

21		2009-10	2010-11
22	GENERAL FUND	\$0	\$7,000,000
23			
24	DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$7,000,000</u>

25 **TREASURER OF STATE, OFFICE OF**

26 **Debt Service - Treasury 0021**

27 Initiative: Provides funding for debt service in fiscal year 2010-11 to accommodate an
28 additional \$44,300,000 bond authorization.

29	GENERAL FUND	2009-10	2010-11
30	All Other	\$0	\$1,110,000
31			
32	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$1,110,000</u>

R.O.S.

1	TREASURER OF STATE, OFFICE OF		
2	DEPARTMENT TOTALS	2009-10	2010-11
3			
4	GENERAL FUND	\$0	\$1,110,000
5			
6	DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$1,110,000</u>
7	SECTION TOTALS	2009-10	2010-11
8			
9	GENERAL FUND	\$0	\$8,110,000
10			
11	SECTION TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$8,110,000</u>

PART I

Sec. I-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~~ \$23,750,000 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. I-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-\$1,250,000

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

10/3

1	Provides funds to make investments under	\$3,500,000
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		
7	Maine Technology Institute	
8		
9	Provides funds for research and	\$3,000,000
10	development and commercialization as	
11	prioritized by the Office of Innovation's	
12	current Science and Technology Action	
13	Plan for Maine. The funds must be	
14	allocated to environmental and renewable	
15	energy technology, biomedical an and	
16	biotechnology, aquaculture and marine	
17	technology, composite materials	
18	technology, advanced technologies for	
19	forestry and agriculture, information	
20	technology and precision manufacturing	
21	technology through a competitive process	
22	and must be awarded to Maine-based	
23	public and private institutions and must be	
24	awarded to leverage matching funds of at	
25	least \$3,000,000.	
26		
27	Brunswick Naval Air Station	
28	Redevelopment	
29		
30	Provides for redevelopment projects at the	\$8,000,000
31	Brunswick Naval Air Station, including the	
32	rehabilitation of buildings, federal	
33	Americans with Disabilities Act and fire	
34	code compliance and other site	
35	improvements, including up to \$4,750,000	
36	for the development of a higher education	
37	engineering and economic development	
38	center. These funds will leverage	
39	\$32,500,000 in federal funds.	
40		
41	FINANCE AUTHORITY OF MAINE	
42		

02/13

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

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

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

19 "Do you favor a ~~\$25,000,000~~ \$23,750,000 bond issue to provide capital
 20 investment to stimulate economic development and job creation by
 21 making investments under the Communities for Maine's Future Program
 22 and in historic properties; providing funding for research and
 23 development investments awarded through a competitive process;
 24 providing funds for disbursements to qualifying small businesses; and
 25 providing grants for food processing for fishing, agricultural, dairy and
 26 lumbering businesses within the State and redevelopment projects at the
 27 Brunswick Naval Air Station that will make the State eligible for over
 28 \$39,000,000 in federal and other matching funds?"

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

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

2012

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PART J

Sec. J-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~~ \$9,750,000 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. J-2. PL 2009, c. 414, Pt. E, §5, sub-§5 is amended to read:

5. Of the bond proceeds allocated to the Land for Maine's Future Board, ~~\$2,000,000~~ \$1,750,000 must be made available to protect working waterfront properties in accordance with Public Law 2005, chapter 462, Part B, section 6.

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

Sec. E-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.

EXECUTIVE DEPARTMENT

State Planning Office

Land for Maine's Future Board

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

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

Provides funds to be used for working ~~\$2,000,000~~ \$1,750,000
waterfront preservation in order to leverage ~~\$2,000,000~~ \$1,750,000 in other funds.

DEPARTMENT OF CONSERVATION

2003

SENATE AMENDMENT "J" to COMMITTEE AMENDMENT "A" to H.P. 1313, L.D. 1826

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4. Reduce from \$7,000,000 to \$6,500,000 the amount in bonds authorized for the Ocean Gateway deep water pier;

5. Reduce from \$1,000,000 to \$500,000 the amount in bonds authorized for the Small Harbor Improvement Program;

6. Authorize the specific allocation of \$4,000,000 of the transportation bond approved by voters in November 2009 to be used for capital rail purposes;

7. Direct the Governor to establish an Aroostook County rail task force;

8. Eliminate the increases in the amount of the bond request in Public Law 2009, chapter 414, Part C for the Safe Drinking Water Revolving Loan Fund and the Wastewater Treatment Facility State Revolving Loan Fund;

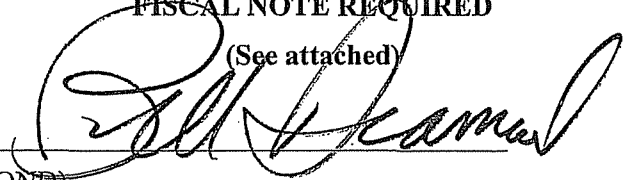
9. Eliminate the allocation in the bond request in Public Law 2009, chapter 414, Part D for weatherization and energy efficiency programs; and

10. Appropriate \$7,000,000 to fund the acquisition of railroad track in Aroostook County; and transfers funds from the Maine Budget Stabilization Fund and the short-term emergency contingency account established pursuant to Public Law 2009, chapter 571, Part KK to partially fund the acquisition. It also reduces the amount of the one-day borrowing from Other Special Revenue Funds authorized in Public Law 2009, chapter 571, Part CCC by \$5,200,000 from \$68,200,000 to \$63,000,000.

FISCAL NOTE REQUIRED

(See attached)

SPONSORED BY:



(Senator DIAMOND)

COUNTY: Cumberland

SENATE AMENDMENT



124th MAINE LEGISLATURE

LD 1826

LR 2648(11)

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

Fiscal Note for Senate Amendment "J" to Committee Amendment "A"

Sponsor: Sen. Diamond of Cumberland

Fiscal Note Required: Yes

Fiscal Note

	2009-10	2010-11	Projections 2011-12	Projections 2012-13	
Net Cost (Savings)					
General Fund	(\$227,961)	(\$1,900,539)	\$1,110,000	\$1,110,000	
Appropriations/Allocations					
General Fund	\$0	\$5,981,500	\$1,110,000	\$1,110,000	
Transfers					
General Fund	\$227,961	\$7,882,039	\$0	\$0	
Bond Issues	Term (years)	Principal	Rate (%)	Interest	Total Cost
General Fund - Non-Taxable	10	(\$22,250,000)	4.0%	(\$4,895,000)	(\$27,145,000)
General Fund - Taxable	10	(\$18,450,000)	5.0%	(\$5,073,750)	(\$23,523,750)

Fiscal Detail and Notes

This amendment reduces the amount of the bonds to be authorized by \$40,700,000. It also reduces the amount of the General Fund appropriations for debt service and adds a General Fund appropriation of \$7,000,000 for rail acquisition.

This amendment also commits the remaining balance in the short-term contingency account established by Public Law 2009, chapter 571, Part KK and reduces the amount of the enacted transfers to the Maine Budget Stabilization Fund to offset the net increase of General Fund appropriations.

It also reduces the amount of the one-day borrowing from Other Special Revenue Funds at the end of fiscal year 2009-10 authorized by Public Law 2009, chapter 571, Part CCC by \$5,200,000.