

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 741

S.P. 234

In Senate, February 18, 2011

**An Act To Authorize a General Fund Bond Issue To Invest in Water
and Sewer Infrastructure To Protect Public Health and To
Facilitate the Expansion and Growth of Business**

Received by the Secretary of the Senate on February 18, 2011. Referred to the Committee on Appropriations and Financial Affairs pursuant to Joint Rule 308.2 and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator ALFOND of Cumberland.
Cosponsored by Senator GOODALL of Sagadahoc and
Senator: BRANNIGAN of Cumberland, Representative: McCABE of Skowhegan.

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 \$30,000,000 for the purposes described in section 5 of this Act.
9 The bonds are a pledge of the full faith and credit of the State. The bonds may not run for
10 a period longer than 10 years from the date of the original issue of the bonds.

11 **Sec. 2. Records of bonds issued; Treasurer of State.** The Treasurer of State
12 shall ensure that an account of each bond is kept showing the number of the bond, the
13 name of the successful bidder to whom sold, the amount received for the bond, the date of
14 sale and the date when payable.

15 **Sec. 3. Sale; how negotiated; proceeds appropriated.** The Treasurer of State
16 may negotiate the sale of the bonds by direction of the Governor, but no bond may be
17 loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the
18 bonds, which must be held by the Treasurer of State and paid by the Treasurer of State
19 upon warrants drawn by the State Controller, are appropriated solely for the purposes set
20 forth in this Act. Any unencumbered balances remaining at the completion of the project
21 in this Act lapse to the Office of the Treasurer of State to be used for the retirement of
22 general obligation bonds.

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

26 **Sec. 5. Disbursement of bond proceeds; allocations from General Fund**
27 **bond issue.** The proceeds of the sale of the bonds authorized under this Act must be
28 expended as designated in the following schedule under the direction and supervision of
29 the agencies and entities set forth in this section.

30 **ENVIRONMENTAL PROTECTION,**
31 **DEPARTMENT OF**

32 Provides funds to repair and reconstruct water and sewer systems that the Department
33 of Environmental Protection considers in greatest need of attention and the greatest
34 threat to the public health and the expansion of business.

35
36 Total \$30,000,000

37 **Sec. 6. Consultation with business and economic development sector.** The
38 Department of Environmental Protection shall consult with business and economic

1 development organizations throughout the State to develop a list of priorities in regard to
2 water and sewer projects to be repaired or reconstructed pursuant to this Act based on the
3 impact of each project on the safety and health of the public.

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

7 **Sec. 8. Appropriation balances at year-end.** At the end of each fiscal year, all
8 unencumbered appropriation balances representing state money carry forward. Bond
9 proceeds that have not been expended within 10 years after the date of the sale of the
10 bonds lapse to the Office of the Treasurer of State to be used for the retirement of general
11 obligation bonds.

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

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

23 "Do you favor a \$30,000,000 bond issue to provide funds to repair and
24 reconstruct water and sewer systems that the Department of
25 Environmental Protection considers in greatest need of attention and the
26 greatest threat to the public health and the expansion of business?"

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

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

38 SUMMARY

39 The funds provided by this bond issue, in the amount of \$30,000,000, will be used to
40 repair and reconstruct water and sewer systems that the Department of Environmental

1 Protection considers in greatest need of attention and the greatest threat to the public
2 health and the expansion of business.