

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 852

S.P. 255

In Senate, March 3, 2011

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**An Act To Authorize a General Fund Bond Issue To Support  
Maine's Natural Resource-based Economy**

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

*Joseph G. Carleton Jr.*

JOSEPH G. CARLETON, JR.

Secretary of the Senate

Presented by Senator TRAHAN of Lincoln.

Cosponsored by Representative CAIN of Orono and

Senators: ALFOND of Cumberland, GOODALL of Sagadahoc, McCORMICK of Kennebec,  
RECTOR of Knox, SAVIELLO of Franklin, Representatives: DUCHESNE of Hudson, FITTS  
of Pittsfield, FLOOD of Winthrop.

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 \$48,000,000 for the purposes described in section 5 of this Act and  
9 to access \$36,000,000 in matching contributions from public and private sources. No  
10 more than \$24,000,000 may be issued in the first year and no more than \$24,000,000 may  
11 be issued in the 2nd year. The bonds are a pledge of the full faith and credit of the State.  
12 The bonds may not run for a period longer than 10 years from the date of the original  
13 issue of the bonds.

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

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

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

29           **Sec. 5. Disbursement of bond proceeds.** The proceeds of the bonds must be  
30 expended as set out in this Act under the direction and supervision of the Executive  
31 Department, State Planning Office; the Department of Conservation; the Department of  
32 Agriculture, Food and Rural Resources; and the Department of Marine Resources.

33           1. The proceeds of the bonds for the Land for Maine's Future Board as set out in  
34 section 6 must be expended by the Executive Department, State Planning Office for  
35 acquisition of land and interest in land for conservation, water access, outdoor recreation,  
36 wildlife and fish habitat, farmland preservation in accordance with the provisions for such  
37 acquisitions under the Maine Revised Statutes, Title 5, chapter 353 and working  
38 waterfront preservation in accordance with the terms of this Act, including all costs  
39 associated with such acquisitions, except that use of the proceeds of these bonds is  
40 subject to the following conditions and requirements.

1 A. Hunting, fishing, trapping and public access may not be prohibited on land  
2 acquired with bond proceeds, except to the extent of applicable state, local or federal  
3 laws, rules and regulations and except for working waterfront projects and farmland  
4 protection projects.

5 B. Payment from bond proceeds for acquisitions of local or regional significance, as  
6 determined by the Land for Maine's Future Board, may be made directly to  
7 cooperating entities as defined in Title 5, section 6201, subsection 2 for acquisition of  
8 land and interest in land by cooperating entities, subject to terms and conditions  
9 enforceable by the State to ensure its use for the purposes of this Act. In addition to  
10 the considerations required under Title 5, chapter 353, the board shall give a  
11 preference to acquisitions under this paragraph that achieve benefits for multiple  
12 towns and that address regional conservation needs including public recreational  
13 access, wildlife, open space and farmland.

14 C. The bond funds expended for conservation, recreation, farmland and water access  
15 must be matched with at least \$36,000,000 in public and private contributions.  
16 Seventy percent of that amount must be in the form of cash or other tangible assets,  
17 including the value of land and real property interest acquired by or contributed to  
18 cooperating entities, as defined in Title 5, section 6201, subsection 2, when property  
19 interests have a direct relationship to the property proposed for protection, as  
20 determined by the Land for Maine's Future Board. The remaining 30% may be  
21 matching contributions and may include the value of project-related, in-kind  
22 contributions of goods and services to and by cooperating entities.

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

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

28 F. Because portions of the State have deer populations that are struggling and deer  
29 wintering habitat protection is vital to the survival and enhancement of these  
30 populations, projects that conserve and protect deer wintering areas are considered to  
31 have special value and must receive preferential consideration during scoring of new  
32 applications for support under Title 5, section 6200, et seq.

33 2. The proceeds of the bonds for the Department of Agriculture, Food and Rural  
34 Resources must be expended on agricultural infrastructure improvements.

35 3. The Department of Conservation and the Department of Inland Fisheries and  
36 Wildlife shall take a proactive approach to pursuing land conservation projects that  
37 include significant wildlife habitat conservation, including conservation of deer wintering  
38 areas. The departments shall include in conservation negotiations under this section  
39 provisions for the appropriate management of deer wintering areas. The proceeds of the  
40 bonds for the Department of Conservation must be expended as follows.

41 A. Two million dollars allocated to the Maine Forest Service must be used for  
42 forestry infrastructure improvements.

1 B. Two million dollars allocated to the Bureau of Parks and Lands must be used for  
2 public recreation infrastructure improvements.

3 C. Four million dollars allocated to the Bureau of Parks and Lands must be used to  
4 preserve state parks and lands managed by the Department of Conservation.

5 4. The proceeds of the bonds for the Department of Marine Resources must be  
6 expended on commercial fishing infrastructure improvements.

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

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

13 **EXECUTIVE DEPARTMENT**

14 **State Planning Office**

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

16 Provides funds in order to leverage \$28,000,000 in other funds to be used for the  
17 acquisition of land and interest in land for conservation; water access, wildlife and  
18 fish habitat; and outdoor recreation, including hunting and fishing.

19  
20 Total \$28,000,000

21 Provides funds to be used for working farmland preservation in order to leverage  
22 \$4,000,000 in other funds.

23  
24 Total \$4,000,000

25 Provides funds to be used for working waterfront preservation in order to leverage  
26 \$4,000,000 in other funds.

27  
28 Total \$4,000,000

29 **AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF**

30 Provides funds for agricultural infrastructure improvements.

31  
32 Total \$2,000,000

33 **MARINE RESOURCES, DEPARTMENT OF**

34 Provides funds for commercial fishing infrastructure improvements.



1 "Do you favor a \$36,000,000 bond issue to purchase land and  
2 conservation easements statewide from willing sellers for public land and  
3 water access, conservation, wildlife and fish habitat and outdoor  
4 recreation, including hunting and fishing, and to preserve farmland,  
5 working waterfronts and state parks to be matched by at least  
6 \$36,000,000 in private and public contributions and a \$12,000,000 bond  
7 issue to provide important natural resource industry and state park  
8 infrastructure?"

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

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

20 **SUMMARY**

21 The funds provided in this bond issue are to recapitalize the Land for Maine's Future  
22 program with \$36,000,000 to continue Maine's land conservation efforts, leveraging a  
23 minimum of \$36,000,000 in required matching funds. It provides \$12,000,000 for natural  
24 resource industry based infrastructure improvements and enhancement related to natural  
25 resource industry and to provide capital for state park maintenance and improvements. It  
26 also gives land conservation projects that protect and enhance deer wintering habitat  
27 preference and directs the Department of Inland Fisheries and Wildlife and the  
28 Department of Conservation to pursue projects that protect and conserve deer wintering  
29 habitat.