

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1248

H.P. 848

House of Representatives, April 7, 2015

An Act To Authorize a General Fund Bond Issue for the Land for Maine's Future Fund

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative McCABE of Skowhegan.
Cosponsored by Senator KATZ of Kennebec and
Representatives: HICKMAN of Winthrop, MAREAN of Hollis, MARTIN of Eagle Lake,
SAUCIER of Presque Isle, TIMBERLAKE of Turner, Senators: DILL of Penobscot,
JOHNSON of Lincoln, McCORMICK of Kennebec.

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 \$20,000,000 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.** The proceeds of the bonds must be
27 expended as set out in this Act under the direction and supervision of the Department of
28 Agriculture, Conservation and Forestry.

29 1. The proceeds of the bonds for the Land for Maine's Future Board as set out in
30 section 6 must be expended by the Department of Agriculture, Conservation and Forestry
31 for acquisition of land and interest in land for conservation, water access, outdoor
32 recreation, wildlife or fish habitat, farmland preservation in accordance with the
33 provisions for such acquisitions under the Maine Revised Statutes, Title 5, chapter 353
34 and working waterfront preservation in accordance with the terms of Public Law 2005,
35 chapter 462, Part B, section 6, including all costs associated with such acquisitions,
36 except that use of the proceeds of these bonds is subject to the following conditions and
37 requirements.

38 A. Hunting, fishing, trapping and public access may not be prohibited on land
39 acquired with bond proceeds, except to the extent of applicable state, local or federal

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

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

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

21 D. Because portions of the State have deer populations that are struggling and deer
22 wintering habitat protection is vital to the survival and enhancement of these
23 populations, projects that conserve and protect deer wintering areas are considered to
24 have special value and must receive preferential consideration during scoring of new
25 applications for support under Title 5, chapter 353.

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

29 F. Of the bond proceeds allocated to the Land for Maine's Future Board, \$1,000,000
30 must be made available to acquire public access to water in accordance with Title 5,
31 section 6203-A.

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

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

37 2. The Department of Inland Fisheries and Wildlife shall take a proactive approach to
38 pursuing land conservation projects that include significant wildlife habitat conservation,
39 including conservation of priority deer wintering areas. Priority deer wintering areas are
40 of at least 500 acres or contiguous with existing conservation land so that the combined
41 acreage constitutes at least 500 acres, have been historically used by deer at some point
42 since 1950 and are capable of providing shelter for deer on the effective date of this Act
43 or within 20 years. The Department of Inland Fisheries and Wildlife shall include in
44 conservation negotiations under this section provisions for the appropriate management

1 of priority deer wintering areas. Land and interest in land purchased by the State that
2 contains wildlife or fish habitat must be managed using protocol provided by the
3 Department of Inland Fisheries and Wildlife, and land and interest in land that is subject
4 to a conservation easement and that contains wildlife or fish habitat must be managed
5 using protocol provided by the Department of Inland Fisheries and Wildlife.

6 **Sec. 6. Disbursement of bond proceeds from General Fund bond issue.**
7 The proceeds of the sale of the bonds authorized under this Act must be expended as
8 designated in the following schedule.

9 **AGRICULTURE, CONSERVATION**
10 **AND FORESTRY, DEPARTMENT OF**

11
12 **Land for Maine's Future Board**

13 Provides funds in order to leverage \$20,000,000 in other funds to be used for the
14 acquisition of land and interest in land for conservation; water access, wildlife or fish
15 habitat including deer wintering areas; outdoor recreation, including hunting and
16 fishing; and working farmland preservation and working waterfront preservation.

17
18 Total \$20,000,000

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

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

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

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

38 "Do you favor a \$20,000,000 bond issue to purchase land and
39 conservation easements statewide from willing sellers for public land and

1 water access, conservation, wildlife or fish habitat and outdoor
2 recreation, including hunting and fishing and deer wintering areas, and to
3 preserve state parks, working farmland and working waterfronts to be
4 matched by at least \$20,000,000 in private and public contributions?"

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

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

16 **SUMMARY**

17 The funds provided by this bond issue, in the amount of \$20,000,000, will be used to
18 provide funds for the Land for Maine's Future Fund.