

MAINE STATE LEGISLATURE

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Amendment Name: Amendment CA (S-459) (LD 911 2020)

Date: 8/3/2020

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Date: (Filing No. S-)

APPROPRIATIONS AND FINANCIAL AFFAIRS

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**STATE OF MAINE
SENATE
129TH LEGISLATURE
SECOND SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 265, L.D. 911, Bill, “An Act To Authorize a General Fund Bond Issue To Promote Land Conservation, Working Waterfronts, Water Access and Outdoor Recreation”

Amend the bill by striking out everything after the enacting clause and inserting the following:

'PART A

Sec. A-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 \$60,000,000 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.

Sec. A-2. Records of bonds issued; Treasurer of State. The Treasurer of State shall ensure that an account of each bond is kept 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. A-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 Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. A-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.

COMMITTEE AMENDMENT

1 **Sec. A-5. Disbursement of bond proceeds.** The proceeds of the bonds must
2 be expended as set out in this Part under the direction and supervision of the Department
3 of Agriculture, Conservation and Forestry.

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

13 A. Hunting, fishing, trapping and public access may not be prohibited on land
14 acquired with bond proceeds, except to the extent of applicable state, local or federal
15 laws, rules and regulations and except for working waterfront projects and working
16 farmland preservation projects.

17 B. Payment from bond proceeds for acquisitions of land or interest in land for
18 community conservation projects as defined in the Maine Revised Statutes, Title 5,
19 section 6201, subsection 1-B may be made directly to cooperating entities as defined
20 in Title 5, section 6201, subsection 2 for acquisition of land and interest in land by
21 cooperating entities, subject to terms and conditions enforceable by the State to
22 ensure its use for the purposes of this Part.

23 C. The bond funds expended for conservation, recreation, working waterfronts,
24 working farmland, community conservation projects and water access must be
25 matched with at least \$40,000,000 in public and private contributions. Seventy
26 percent of that amount must be in the form of cash or other tangible assets, including
27 the value of land and real property interest acquired by or contributed to cooperating
28 entities, as defined in Title 5, section 6201, subsection 2, when property interests
29 have a direct relationship to the property proposed for protection, as determined by
30 the Land for Maine's Future Board. The remaining 30% may be matching
31 contributions and may include the value of project-related, in-kind contributions of
32 goods and services to and by cooperating entities.

33 D. Because of changing climate conditions, projects that address climate change,
34 resiliency and mitigation strategies that benefit natural ecosystems, wildlife and
35 working waterfronts and farmland to adapt must be given special consideration by the
36 Land for Maine's Future Board.

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

40 2. Because portions of the State have deer populations that are struggling and deer
41 wintering habitat protection is vital to the survival and enhancement of these populations,
42 projects that conserve and protect deer wintering areas are considered to have special
43 value and must receive preferential consideration during scoring of new applications for
44 support under Title 5, chapter 353. The Department of Agriculture, Conservation and
45 Forestry and the Department of Inland Fisheries and Wildlife shall take a proactive

1 approach to pursuing land conservation projects that include conservation of priority deer
2 wintering areas and not working waterfront preservation projects or working farmland
3 preservation projects. Priority deer wintering areas are of at least 500 acres or contiguous
4 with existing conservation land so that the combined acreage constitutes at least 500
5 acres, have been historically used by deer at some point since 1950 and are capable of
6 providing shelter for deer on the effective date of this Part or within 20 years. The
7 Department of Inland Fisheries and Wildlife shall include in conservation negotiations
8 under this section provisions for the appropriate management of priority deer wintering
9 areas. Land and interest in land purchased by the State that contains priority deer
10 wintering areas must be managed using protocol provided by the Department of Inland
11 Fisheries and Wildlife.

12 3. Of the bond proceeds allocated to the Land for Maine's Future Board as set out in
13 section 6, at least 5% must be made available to acquire public access to water in
14 accordance with Title 5, section 6203-A. Funds under this subsection not spent within a
15 10-year period may be allocated at the discretion of the Land for Maine's Future Board.

16 4. Of the bond proceeds allocated to the Land for Maine's Future Board as set out in
17 section 6, at least 10% must be made available to protect farmland in accordance with
18 Title 5, section 6207. Funds under this subsection not spent within a 10-year period may
19 be allocated at the discretion of the Land for Maine's Future Board.

20 5. Of the bond proceeds allocated to the Land for Maine's Future Board as set out in
21 section 6, at least 10% must be made available to preserve working waterfronts in
22 accordance with Public Law 2005, chapter 462, Part B, section 6. Funds under this
23 subsection not spent within a 10-year period may be allocated at the discretion of the
24 Land for Maine's Future Board.

25 **Sec. A-6. Disbursement of bond proceeds from General Fund bond issue.**
26 The proceeds of the sale of the bonds authorized under this Part must be expended as
27 designated in the following schedule.

28
29 **AGRICULTURE, CONSERVATION**
30 **AND FORESTRY, DEPARTMENT OF**

31
32 **Land for Maine's Future Board**

33 Provides funds in order to leverage \$40,000,000 in matching contributions from
34 public and private sources to be used for the acquisition of land and interest in land
35 for conservation; water access; wildlife or fish habitat including deer wintering areas;
36 outdoor recreation including hunting and fishing; and working farmland preservation
37 and working waterfront preservation. No more than \$10,000,000 may be issued in
38 the first year by the Land for Maine's Future Board and no more than \$10,000,000
39 may be issued by the Land for Maine's Future Board in each of the 3 subsequent
40 years, except that any unused balance may be added to the specified amount in
41 subsequent years.

42 Total \$40,000,000

1 **Bureau of Parks and Lands**

2 Provides funds to make necessary capital improvements in the State's parks and
3 historic sites. No more than \$4,000,000 may be issued in the first year by the Bureau
4 of Parks and Lands and no more than \$4,000,000 may be issued by the Bureau of
5 Parks and Lands in each of the 4 subsequent years, except that any unused balance
6 may be added to the specified amount in subsequent years.

7 Total \$20,000,000

8 **Sec. A-7. Contingent upon ratification of bond issue.** Sections 1 to 6 do not
9 become effective unless the people of the State ratify the issuance of the bonds as set
10 forth in this Part.

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

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

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

27 "Do you favor a \$60,000,000 bond issue to invest in state parks and
28 historic sites, land conservation, water access, wildlife habitat, outdoor
29 recreation opportunities including hunting and fishing, farmlands and
30 working waterfronts to be matched by at least \$40,000,000 in private and
31 public contributions?"

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

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

4 **PART B**

5 **Sec. B-1. 5 MRSA §6201, sub-§1-B** is enacted to read:

6 **1-B. Community conservation project.** "Community conservation project" means
7 a conservation project of local or regional significance that promotes one or more of the
8 following: public outdoor recreational access to lands and waters, including for
9 underserved populations; public health; connections between conservation lands and
10 population centers; local or regional agriculture; conservation of cultural and historical
11 resources on undeveloped lands; protection of lakes, rivers or streams; conservation of
12 fish or wildlife habitat; protection of public drinking water supplies; conservation of
13 community forests; local economic development; opportunities for environmental
14 learning; nonmotorized transportation options; or other priorities as determined by the
15 board.

16 **Sec. B-2. 5 MRSA §6201, sub-§2**, as enacted by PL 1987, c. 506, §§1 and 4, is
17 amended to read:

18 **2. Cooperating entities.** "Cooperating entities" means those private nonprofit
19 organizations, municipal conservation commissions, local governments, federal agencies
20 or other bodies designated by the Land for Maine's Future Board, pursuant to section
21 6203, as able to assist the State in the acquisition or management of conservation lands of
22 statewide significance or for community conservation projects.

23 **Sec. B-3. 5 MRSA §6203, sub-§3, ¶A**, as amended by PL 1999, c. 769, §1, is
24 further amended to read:

25 A. Acquire property or an interest in property that is determined by the board to be
26 of ~~state~~ statewide significance or for a community conservation project under the
27 guidelines of this chapter;

28 **Sec. B-4. 5 MRSA §6207, sub-§3**, as amended by PL 2011, c. 381, §1, is further
29 amended to read:

30 **3. Priorities.** Whenever possible, the Land for Maine's Future Fund and the Public
31 Access to Maine Waters Fund must be used for land acquisition projects when matching
32 funds are available from cooperating entities, as long as the proposed acquisition meets
33 all other criteria set forth in this chapter. For acquisitions funded by the Land for Maine's
34 Future Fund, the board shall give priority to projects that conserve lands with multiple
35 outstanding resource or recreation values or a single exceptional value; conserve and
36 protect deer wintering areas; help the State's natural ecosystems, wildlife and natural
37 resources-based economies adapt to a changing climate; provide geographic
38 representation; and build upon or connect existing holdings.

39 When acquiring land or interest in land, the board shall examine public vehicular access
40 rights to the land and, whenever possible and appropriate, acquire guaranteed public
41 vehicular access as part of the acquisition.



129th MAINE LEGISLATURE

LD 911

LR 916(02)

An Act To Authorize a General Fund Bond Issue To Promote Land Conservation, Working Waterfronts, Water Access and Outdoor Recreation

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Appropriations and Financial Affairs

Fiscal Note Required: Yes

Fiscal Note

Current biennium cost increase - General Fund

Bond Issues	Term (years)	Principal	Rate (%)	Interest	Total Cost
General Fund - Non-Taxable	10	\$60,000,000	3.75%	\$12,375,000	\$72,375,000

Referendum Costs	Month/Year	Election Type	Question	Length
	Nov-20	General	Bond Issue	Standard

The Secretary of State's budget includes sufficient funds to accommodate one ballot of average length for the general election in November. If the number or size of the referendum questions requires production and delivery of a second ballot, an additional appropriation of \$266,000 may be required.