

MAINE STATE LEGISLATURE

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Date: 02/19/19

MAJORITY

(Filing No. S-354)

APPROPRIATIONS AND FINANCIAL AFFAIRS

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE
SENATE
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 621, L.D. 1836, Bill, "An Act To Authorize a General Fund Bond Issue for Infrastructure, Economic Development, Workforce Development and Energy and Environment Investment"

Amend the bill in Part B by striking out all of section 5 and inserting the following:

Sec. B-5. Disbursement of bond proceeds. The Department of Economic and Community Development, in consultation with the Department of Agriculture, Conservation and Forestry, the Department of Marine Resources and the Maine Technology Institute, shall oversee the disbursement of bond proceeds and matching funds authorized pursuant to this Part in accordance with this section, except as otherwise provided. Awards of bond proceeds and matching funds must be made on a competitive basis following a request for proposal process.

1. Successful applicants may include the following entities:

- A. A marine-based research program at a private or public university or a nonprofit research institution;
- B. Commercial fishing or aquaculture interests;
- C. Community-based organizations committed to the growth of the local economy;
- D. Private sector businesses; and
- E. Biomedical research institutions.

2. A successful application must also demonstrate potential for job creation and economic growth in one of the following areas:

- A. Traditional agricultural or commercial fishing interests;
- B. Marine-based or land-based aquaculture industry;
- C. Value-added processing of marine resources or agricultural products;
- D. Market development for Maine-based products; and
- E. Market development of life sciences products.'

COMMITTEE AMENDMENT

1 Amend the amendment in Part D in section 5 in subsection 1 by striking out all of
2 paragraph B (page 10, lines 14 to 22 in L.D.) and inserting the following:

3 'B. Payment from bond proceeds for acquisitions of community conservation
4 projects, as defined in Title 5, section 6201, subsection 1-B, 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 Part.'

8 Amend the bill in Part D in section 5 in subsection 1 in paragraph C in the 2nd line
9 (page 10, line 24 in L.D.) by inserting after the following: "farmland" the following: ',
10 community conservation projects'

11 Amend the bill in Part D by striking out all of section 6 and inserting the following:

12 '**Sec. D-6. Allocations from General Fund bond issue.** The proceeds of the
13 sale of the bonds authorized under this Part must be expended as designated in the
14 following schedule.

15 **AGRICULTURE, CONSERVATION**
16 **AND FORESTRY, DEPARTMENT OF**

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

18 Provides funds in order to leverage \$30,000,000 in matching contributions from
19 public and private sources to be used for the acquisition of land and interest in land
20 for conservation; water access; wildlife or fish habitat including deer wintering areas;
21 outdoor recreation, including hunting and fishing; and working farmland preservation
22 and working waterfront preservation. No more than \$10,000,000 may be issued in the
23 first year by the Land for Maine's Future Board and no more than \$10,000,000 may
24 be issued by the Land for Maine's Future Board in each of the 2 subsequent years,
25 except that any unused balance may be added to the specified amount in subsequent
26 years.

27 Total \$30,000,000

28 **ENVIRONMENTAL PROTECTION,**
29 **DEPARTMENT OF**

30
31 **Uncontrolled hazardous substance site**
32 **program**

33 Provides funds for state match on federal superfund sites, uncontrolled hazardous
34 substance site investigation and remediation and response actions at sites
35 contaminated with emerging pollutants like perfluoroalkyl and polyfluoroalkyl
36 substances, at dry-cleaner sites and at brownfield sites.

ROFS

COMMITTEE AMENDMENT "A" to S.P. 621, L.D. 1836 (S. 354)

1 Total \$15,000,000

2 ENVIRONMENTAL PROTECTION,
3 DEPARTMENT OF

4
5 Wastewater treatment facility planning
6 and construction grants

7 Provides funds for wastewater treatment facility planning, construction grants and
8 hydrographic modeling, prioritizing areas with high-value shellfish resources.

9 Total \$5,000,000

10 EFFICIENCY MAINE TRUST

11
12 Municipal Energy Efficiency and
13 Renewable Energy Program

14 Provides funds to purchase solar arrays, high-efficiency ductless heat pumps and
15 high-efficiency modern wood heating systems for buildings and property owned by
16 municipalities and school administrative units or funds for solar arrays providing
17 energy only to municipalities and school administrative units pursuant to agreements.

18 Total \$10,000,000

19 EFFICIENCY MAINE TRUST

20
21 Heating Fuels Efficiency and
22 Weatherization Fund

23 Provides funds to recapitalize the Heating Fuels Efficiency and Weatherization Fund.

24 Total \$5,000,000

25 TOTAL \$65,000,000

26

27 Amend the bill in Part E in section 1 in §10124 in subsection 4 in the 4th line (page
28 14, line 14 in L.D.) by inserting after the following: "systems." the following: 'Grants
29 may also be awarded for a solar array not directly owned by a municipality or school
30 administrative unit if, pursuant to an agreement between the owner of the solar array and

COMMITTEE AMENDMENT

1 a municipality or school administrative unit, the sole user of the energy produced by the
2 solar array is the municipality or school administrative unit that entered into the
3 agreement.'

4 Amend the bill by inserting after Part E the following:

5 **'PART F**

6 **Sec. F-1. Investment of bond proceeds for broadband.** The ConnectME
7 Authority, as established in the Maine Revised Statutes, Title 5, section 12004-G,
8 subsection 33-F, shall establish a process to ensure bond proceeds made available
9 pursuant to Part B, section 6 are used to build broadband Internet service in areas of the
10 State that do not meet the goals for broadband service described under Title 35-A, section
11 9202-A. The authority shall allow adequate time for existing broadband providers to
12 confirm whether an area is already served or to commit to deploying service. The
13 authority shall:

14 1. Require a letter of intent from an applicant or bidder that specifically outlines the
15 area of the proposed project to build broadband Internet service by street. A letter of
16 intent under this subsection is public information, and the authority shall publish the letter
17 on its publicly accessible website. The authority shall allow up to 60 days for a provider
18 to provide information certifying that the proposed project area does not meet the
19 definition of an underserved area under the authority's rules or that the provider has a
20 specific demonstrated plan to build the proposed project within 18 months;

21 2. Require an applicant or bidder to certify that the applicant or bidder has made
22 contact with any provider of record in the proposed project area to determine whether
23 there is a plan to expand or upgrade the broadband service to meet the goals for
24 broadband service described under Title 35-A, section 9202-A as of June 1, 2019. The
25 authority shall provide to the applicant or bidder the contact information of all applicable
26 providers;

27 3. Require a matching funding component and incentivize private investment; and

28 4. Create a tiered scoring model that prioritizes development in areas that are the
29 least developed.

30 The authority may adopt rules to implement this section. Rules adopted pursuant to
31 this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

32 **Sec. F-2. Contingent effective date.** This Part takes effect only if the General
33 Fund bond issue proposed in Part B is approved by the voters of this State.

34 **PART G**

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

36 **1-B. Community conservation project.** "Community conservation project" means
37 a conservation project of local or regional significance that promotes one or more of the
38 following: public outdoor recreational access to land and waters, including for
39 underserved populations; public health; connections between conserved lands and

R.O.F.S

1 population centers; local or regional agricultural production; conservation of cultural and
2 historical resources on undeveloped lands; protection of lakes, rivers or streams;
3 conservation of fish or wildlife habitat; protection of public drinking water supplies;
4 conservation of community forests; local economic development; opportunities for
5 environmental learning; or nonmotorized transportation options.

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

8 **2. Cooperating entities.** "Cooperating entities" means those private nonprofit
9 organizations, municipal conservation commissions, local governments, Maine Indian
10 tribes, federal agencies or other bodies designated by the Land for Maine's Future Board
11 pursuant to section 6203, as able to assist the State in the acquisition or management of
12 conservation lands.

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

15 A. Acquire property or an interest in property that is determined by the board to be
16 of state significance or for a community conservation project under the guidelines of
17 this chapter;

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

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

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

32 **Sec. G-5. Contingent effective date.** This Part takes effect only if the General
33 Fund bond issue proposed in Part D is approved by the voters of this State.'

34 **SUMMARY**

35 This amendment is the majority report of the committee. It amends Part B to allow
36 biomedical research institutions to apply for bond proceeds and adds market development
37 of life sciences products as an area within which a successful application must
38 demonstrate potential for job creation and economic growth.

39 It amends Part D to reduce bond funds allocated to the Efficiency Maine Trust's
40 Municipal Energy Efficiency and Renewable Energy Program from \$15,000,000 to
41 \$10,000,000 and allocates \$5,000,000 to the trust's Heating Fuels Efficiency and

COMMITTEE AMENDMENT

1 Weatherization Fund to recapitalize that fund. It also changes the language regarding
2 disbursement of bond proceeds to provide that payment from bond proceeds for
3 acquisitions to community conservation projects may be made directly to cooperating
4 entities and removes the requirement that the Land for Maine's Future Board give
5 preference to acquisitions that achieve benefits for multiple towns and address regional
6 conservation needs. It also includes community conservation projects in the expenditures
7 for which bond funds must be matched with at least \$30,000,000 in public and private
8 contributions.

9 It amends Part E to allow the trust to award grant funding under the Municipal
10 Energy Efficiency and Renewable Energy Program for a solar array that is not directly
11 owned by a municipality or school administrative unit if, pursuant to an agreement
12 between the owner of the solar array and a municipality or school administrative unit, the
13 sole user of the energy produced by the solar array is the municipality or school
14 administrative unit that entered into the agreement.

15 It adds Part F, which requires the ConnectME Authority to establish a process to
16 ensure state funds made available pursuant to the bond issue under Part B are used to
17 build broadband Internet service in areas of the State that do not meet the goals for
18 broadband service described under the Maine Revised Statutes, Title 35-A, section
19 9202-A.

20 It also adds Part G, which allows proceeds of the Land for Maine's Future Fund to be
21 spent on property that is determined by the Land for Maine's Future Board to be for a
22 community conservation project, defines "community conservation project," includes
23 Maine Indian tribes under the definition of "cooperative entities" and sets helping the
24 State's natural ecosystems, wildlife and natural resource-based economies adapt to a
25 changing climate as a priority of the board in making land acquisitions.

FISCAL NOTE REQUIRED

(See attached)



129th MAINE LEGISLATURE

LD 1836

LR 2554(02)

An Act To Authorize a General Fund Bond Issue for Infrastructure, Economic Development, Workforce Development and Energy and Environment Investment

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-354)
 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	\$84,000,000	4.25%	\$19,635,000	\$103,635,000
General Fund - Taxable	10	\$21,000,000	4.75%	\$5,486,250	\$26,486,250
General Fund - Non-Taxable	10	\$30,000,000	4.25%	\$7,012,500	\$37,012,500
General Fund - Taxable	10	\$20,000,000	4.75%	\$5,225,000	\$25,225,000
General Fund - Non-Taxable	10	\$14,000,000	4.25%	\$3,272,500	\$17,272,500
General Fund - Taxable	10	\$5,000,000	4.75%	\$1,306,250	\$6,306,250
General Fund - Non-Taxable	10	\$60,000,000	4.25%	\$14,025,000	\$74,025,000
General Fund - Taxable	10	\$5,000,000	4.75%	\$1,306,250	\$6,306,250

Referendum Costs

Month/Year	Election Type	Question	Length
Nov-19	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 \$172,000 may be required.