

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2019

Legislative Document

No. 1851

S.P. 635

In Senate, August 26, 2019

**An Act To Authorize a General Fund Bond Issue for Land
Conservation, Water Access, Outdoor Recreation, Wildlife and Fish
Habitats and Farmland and Working Waterfront Preservation**

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BREEN of Cumberland. (GOVERNOR'S BILL)

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 **PART A**

7 **Sec. A-1. Authorization of bonds.** The Treasurer of State is authorized, under
8 the direction of the Governor, to issue bonds in the name and on behalf of the State in an
9 amount not exceeding \$20,000,000 for the purposes described in section 6 of this Part.
10 The bonds are a pledge of the full faith and credit of the State. The bonds may not run for
11 a period longer than 10 years from the date of the original issue of the bonds.

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

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

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

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

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

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

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

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

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

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

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

26 2. Because portions of the State have deer populations that are struggling and deer
27 wintering habitat protection is vital to the survival and enhancement of these populations,
28 projects that conserve and protect deer wintering areas are considered to have special
29 value and must receive preferential consideration during scoring of new applications for
30 support under the Maine Revised Statutes, Title 5, chapter 353. The Department of
31 Agriculture, Conservation and Forestry and the Department of Inland Fisheries and
32 Wildlife shall take a proactive approach to pursuing land conservation projects that
33 include conservation of priority deer wintering areas, except for working waterfront
34 preservation projects and working farmland preservation projects. Priority deer wintering
35 areas are of at least 500 acres or contiguous with existing conservation land so that the
36 combined acreage constitutes at least 500 acres, have been historically used by deer at
37 some point since 1950 and are capable of providing shelter for deer on the effective date
38 of this Part or within 20 years. The Department of Inland Fisheries and Wildlife shall
39 include in conservation negotiations under this section provisions for the appropriate
40 management of priority deer wintering areas. Land and interest in land purchased by the
41 State that contain priority deer wintering areas must be managed using protocol provided
42 by the Department of Inland Fisheries and Wildlife.

43 3. Of the bond proceeds allocated to the Land for Maine's Future Board as set out in
44 section 6, at least 5% must be made available to acquire public access to water in

1 accordance with the Maine Revised Statutes, Title 5, section 6203-A. Funds under this
2 subsection not spent within a 10-year period may be allocated at the discretion of the
3 Land for Maine's Future Board.

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

9 5. Of the bond proceeds allocated to the Land for Maine's Future Board as set out in
10 section 6, at least 10% must be made available to protect working waterfront properties in
11 accordance with Public Law 2005, chapter 462, Part B, section 6. Funds under this
12 subsection not spent within a 10-year period may be allocated at the discretion of the
13 Land for Maine's Future Board.

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

17 **AGRICULTURE, CONSERVATION**
18 **AND FORESTRY, DEPARTMENT OF**

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

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

29 Total \$20,000,000

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

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

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

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

12 "Do you favor a \$20,000,000 bond issue to invest in land conservation to
13 protect drinking water, lakes, ponds and rivers, fish and wildlife habitats
14 and beaches and coastal areas; to support working farms, forests,
15 working waterfronts and Maine's natural resource-based economy; to
16 conserve land for outdoor recreation, including for hunting, fishing,
17 camping, birding and wildlife watching; to be matched by at least
18 \$20,000,000 in private and public contributions?"

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

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

30 **PART B**

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

32 **1-B. Community conservation project.** "Community conservation project" means
33 a conservation project of local or regional significance that promotes one or more of the
34 following: public outdoor recreational access to land and waters, including for
35 underserved populations; public health; connections between conserved lands and
36 population centers; local or regional agriculture; conservation of cultural and historical
37 resources on undeveloped lands; protection of lakes, rivers or streams; conservation of
38 fish or wildlife habitat; protection of public drinking water supplies; conservation of
39 community forests; local economic development; opportunities for environmental

1 learning; nonmotorized transportation options; or other priorities as determined by the
2 board.

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

5 **2. Cooperating entities.** "Cooperating entities" means those private nonprofit
6 organizations, municipal conservation commissions, local governments, federal agencies
7 or other bodies designated by the Land for Maine's Future Board pursuant to section
8 6203, as able to assist the State in the acquisition or management of conservation lands of
9 statewide significance or for community conservation projects.

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

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

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

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

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

29 **Sec. B-5. Contingent effective date.** This Part takes effect only if the General
30 Fund bond issue proposed in Part A is approved by the voters of this State.

31 SUMMARY

32 Part A provides a bond issue, in the amount of \$20,000,000, to be used for the
33 acquisition of land and interest in land for conservation; water access; wildlife or fish
34 habitat, including deer wintering areas; outdoor recreation, including hunting and fishing;
35 and working farmland preservation and working waterfront preservation.

36 Part B allows proceeds of the Land for Maine's Future Fund to be spent on property
37 that is determined by the Land for Maine's Future Board to be for a community
38 conservation project, defines "community conservation project," amends the definition of

1 "cooperating entities" and sets helping the State's natural ecosystems, wildlife and natural
2 resource-based economies adapt to a changing climate as a priority of the board in
3 making land acquisitions.

4 **FISCAL NOTE REQUIRED**

5 **(See attached)**



129th MAINE LEGISLATURE

LD 1851

LR 2577(01)

An Act To Authorize a General Fund Bond Issue for Land Conservation, Water Access, Outdoor Recreation, Wildlife and Fish Habitats and Farmland and Working Waterfront Preservation

Fiscal Note for Original Bill
Sponsor: Sen. Breen of Cumberland
Committee: Not Referred
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	\$20,000,000	4.25%	\$4,675,000	\$24,675,000

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.