

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 983

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S.P. 313

In Senate, March 9, 2021

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

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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.  
Cosponsored by Representative COREY of Windham and  
Senators: President JACKSON of Aroostook, VITELLI of Sagadahoc, Representatives:  
DUNPHY of Old Town, Speaker FECTEAU of Biddeford, PIERCE of Falmouth.

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 issuance  
3 of bonds on behalf of the State of Maine to provide funds as described in this Act,

4 **Be it enacted by the People of the State of Maine as follows:**

5 **PART A**

6 **Sec. A-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 \$80,000,000 for the purposes described in section 6 of this Part. The  
9 bonds are a pledge of the full faith and credit of the State. The bonds may not run for a  
10 period longer than 10 years from the date of the original issue of the bonds.

11 **Sec. A-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 name  
13 of the successful bidder to whom sold, the amount received for the bond, the date of sale  
14 and the date when payable.

15 **Sec. A-3. Sale; how negotiated; proceeds appropriated.** The Treasurer of  
16 State may negotiate the sale of the bonds by direction of the Governor, but no bond may  
17 be 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 Part. Any unencumbered balances remaining at the completion of the project  
21 in this Part lapse to the Office of the Treasurer of State to be used for the retirement of  
22 general obligation bonds.

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

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

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

41 B. Payment from bond proceeds for acquisitions of land or interest in land for  
42 community conservation projects as defined in the Maine Revised Statutes, Title 5,  
43 section 6201, subsection 1-B may be made directly to cooperating entities as defined

1 in Title 5, section 6201, subsection 2 for acquisition of land and interest in land by  
2 cooperating entities, subject to terms and conditions enforceable by the State to ensure  
3 its use for the purposes of this Part.

4 C. The bond funds expended for conservation, recreation, working waterfronts,  
5 working farmland, community conservation projects and water access must be matched  
6 with at least \$60,000,000 in public and private contributions. Seventy percent of that  
7 amount must be in the form of cash or other tangible assets, including the value of land  
8 and real property interest acquired by or contributed to cooperating entities, as defined  
9 in Title 5, section 6201, subsection 2, when property interests have a direct relationship  
10 to the property proposed for protection, as determined by the Land for Maine's Future  
11 Board. The remaining 30% may be matching contributions and may include the value  
12 of project-related, in-kind contributions of goods and services to and by cooperating  
13 entities.

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

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

21 2. 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 populations,  
23 projects that conserve and protect deer wintering areas are considered to have special value  
24 and must receive preferential consideration during scoring of new applications for support  
25 under Title 5, chapter 353. The Department of Agriculture, Conservation and Forestry and  
26 the Department of Inland Fisheries and Wildlife shall take a proactive approach to pursuing  
27 land conservation projects that include conservation of priority deer wintering areas and  
28 not working waterfront preservation projects or working farmland preservation projects.  
29 In order to be subject to this designation, priority deer wintering areas must be of at least  
30 500 acres or contiguous with existing conservation land so that the combined acreage  
31 constitutes at least 500 acres, must have been historically used by deer at some point since  
32 1950 and must be capable of providing shelter for deer on the effective date of this Part or  
33 within 20 years of the effective date of this Part. The Department of Inland Fisheries and  
34 Wildlife shall include in conservation negotiations under this section provisions for the  
35 appropriate management of priority deer wintering areas. Land and interest in land  
36 purchased by the State that contains priority deer wintering areas must be managed using  
37 protocol provided by the Department of Inland Fisheries and Wildlife.

38 3. Of the bond proceeds allocated to the Land for Maine's Future Board as set out in  
39 section 6, at least 5% must be made available to acquire public access to water in  
40 accordance with Title 5, section 6203-A. Funds under this subsection not spent within a  
41 10-year period may be allocated at the discretion of the Land for Maine's Future Board.

42 4. Of the bond proceeds allocated to the Land for Maine's Future Board as set out in  
43 section 6, at least 10% must be made available to protect farmland in accordance with Title  
44 5, section 6207. Funds under this subsection not spent within a 10-year period may be  
45 allocated at the discretion of the Land for Maine's Future Board.

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

6 **Sec. A-6. Disbursement of bond proceeds from General Fund bond issue.**

7 The proceeds of the sale of the bonds authorized under this Part must be expended as  
8 designated in the following schedule.

9 **AGRICULTURE, CONSERVATION AND FORESTRY,**

10 **DEPARTMENT OF**

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

12 Provides funds in order to leverage \$60,000,000 in matching contributions from public  
13 and private sources to be used for the acquisition of land and interest in land for  
14 conservation; water access; wildlife and fish habitat, including deer wintering areas;  
15 outdoor recreation, including hunting and fishing; and working farmland preservation  
16 and working waterfront preservation. No more than \$12,000,000 may be issued in the  
17 first year by the Land for Maine's Future Board and no more than \$12,000,000 may be  
18 issued by the Land for Maine's Future Board in each of the 4 subsequent years, except  
19 that any unused balance may be added to the specified amount in subsequent years.

20 Total \$60,000,000

21 **Bureau of Parks and Lands**

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

27 Total \$20,000,000

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

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

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

41 **Sec. A-10. Referendum for ratification; submission at election; form of**  
42 **question; effective date.** This Part must be submitted to the legal voters of the State at

1 a statewide election held in the month of November following passage of this Act. The  
2 municipal officers of this State shall notify the inhabitants of their respective cities, towns  
3 and plantations to meet, in the manner prescribed by law for holding a statewide election,  
4 to vote on the acceptance or rejection of this Part by voting on the following question:

5 "Do you favor an \$80,000,000 bond issue to invest in state parks and  
6 historic sites, land conservation, water access, wildlife and fish habitat,  
7 outdoor recreation opportunities, including hunting and fishing, working  
8 farmlands and working waterfronts to be matched by at least \$60,000,000  
9 in private and public contributions?"

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

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

## 21 PART B

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

23 **1-B. Community conservation project.** "Community conservation project" means a  
24 conservation project of local or regional significance that promotes one or more of the  
25 following: public outdoor recreational access to lands and waters, including for  
26 underserved populations; public health; connections between conservation lands and  
27 population centers; local or regional agriculture; conservation of cultural and historical  
28 resources on undeveloped lands; protection of lakes, rivers or streams; conservation of fish  
29 or wildlife habitat; protection of public drinking water supplies; conservation of community  
30 forests; local economic development; opportunities for environmental learning;  
31 nonmotorized transportation options; or other priorities as determined by the board.

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

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

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

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

