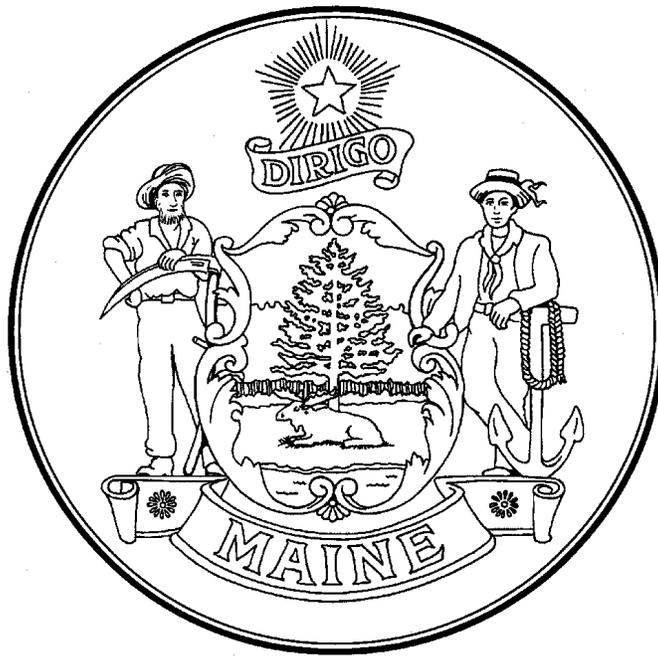


# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2021

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Legislative Document

No. 1702

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H.P. 1265

House of Representatives, May 13, 2021

**An Act To Authorize General Fund Bond Issues To Improve  
Transportation and National Guard Infrastructure and To Promote  
the Conservation of Land, Working Waterfronts, Water Access and  
Outdoor Recreation**

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Received by the Clerk of the House on May 11, 2021. Referred to the Committee on Appropriations and Financial Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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

ROBERT B. HUNT  
Clerk

Presented by Representative PIERCE of Falmouth. (GOVERNOR'S BILL)





1 of the successful bidder to whom sold, the amount received for the bond, the date of sale  
2 and the date when payable.

3 **Sec. B-3. Sale; how negotiated; proceeds appropriated.** The Treasurer of State  
4 may negotiate the sale of the bonds by direction of the Governor, but no bond may be  
5 loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the  
6 bonds, which must be held by the Treasurer of State and paid by the Treasurer of State  
7 upon warrants drawn by the State Controller, are appropriated solely for the purposes set  
8 forth in this Part. Any unencumbered balances remaining at the completion of the project  
9 in this Part lapse to the Office of the Treasurer of State to be used for the retirement of  
10 general obligation bonds.

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

14 **Sec. B-5. Disbursement of bond proceeds.** The proceeds of the bonds must be  
15 expended as set out in this Part under the direction and supervision of the Department of  
16 Agriculture, Conservation and Forestry.

17 1. The proceeds of the bonds for the Land for Maine's Future Board as set out in section  
18 6 must be expended by the Department of Agriculture, Conservation and Forestry for  
19 acquisition of land and interest in land for conservation, water access, outdoor recreation,  
20 wildlife and fish habitat, working farmland preservation in accordance with the provisions  
21 for such acquisitions under the Maine Revised Statutes, Title 5, chapter 353 and working  
22 waterfront protection in accordance with the terms of Public Law 2005, chapter 462, Part  
23 B, section 6, including all costs associated with such acquisitions, except that use of the  
24 proceeds of these bonds is subject to the following conditions and requirements.

25 A. Hunting, fishing, trapping and public access may not be prohibited on land acquired  
26 with bond proceeds, except to the extent applicable state, local or federal laws, rules  
27 and regulations apply and except for working waterfront projects and working  
28 farmland preservation projects.

29 B. Payment from bond proceeds for acquisitions for community conservation projects  
30 as defined in Title 5, section 6201, subsection 1-B may be made directly to cooperating  
31 entities as defined in Title 5, section 6201, subsection 2 for acquisition of land and  
32 interest in land by cooperating entities, subject to terms and conditions enforceable by  
33 the State to ensure its use for the purposes of this Part. In addition to the considerations  
34 required under Title 5, chapter 353, the Land for Maine's Future Board shall give a  
35 preference to acquisitions under this paragraph that achieve benefits for multiple towns  
36 and that address regional conservation needs including public recreational access,  
37 wildlife, open space and farmland.

38 C. The bond funds expended for conservation, recreation, working waterfronts,  
39 working farmland, community conservation projects and water access must be matched  
40 with at least \$40,000,000 in public and private contributions. Seventy percent of that  
41 amount must be in the form of cash or other tangible assets, including the value of land  
42 and real property interest acquired by or contributed to cooperating entities as defined  
43 in Title 5, section 6201, subsection 2 when property interests have a direct relationship  
44 to the property proposed for protection, as determined by the Land for Maine's Future  
45 Board. The remaining 30% may be matching contributions and may include the value

1 of project-related, in-kind contributions of goods and services to and by cooperating  
2 entities.

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

6 2. The Department of Inland Fisheries and Wildlife shall take a proactive approach to  
7 pursuing land conservation projects that include conservation of deer wintering areas  
8 determined to be important under the Maine Revised Statutes, Title 5, section 6207,  
9 subsection 2, paragraph E.

10 3. Of the bond proceeds allocated to the Land for Maine's Future Board as set out in  
11 section 6, at least 5% must be made available to acquire public access to water in  
12 accordance with the Maine Revised Statutes, Title 5, section 6203-A.

13 4. Of the bond proceeds allocated to the Land for Maine's Future Board as set out in  
14 section 6, at least 10% must be made available to protect farmland in accordance with the  
15 Maine Revised Statutes, Title 5, section 6207.

16 5. 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 working waterfront properties in  
18 accordance with Public Law 2005, chapter 462, Part B, section 6.

19 **Sec. B-6. Disbursement of bond proceeds from General Fund bond issue.**  
20 The proceeds of the sale of the bonds authorized under this Part must be expended as  
21 designated in the following schedule.

22 **DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY**

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

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

32 Total \$40,000,000

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

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

41 **Sec. B-9. Bonds authorized but not issued.** Any bonds authorized but not issued  
42 within 5 years of ratification of this Part are deauthorized and may not be issued, except

1 that the Legislature may, within 2 years after the expiration of that 5-year period, extend  
2 the period for issuing any remaining unissued bonds for an additional amount of time not  
3 to exceed 5 years.

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

10 "Do you favor a \$40,000,000 bond issue to invest in land conservation,  
11 water access, wildlife and fish habitat, outdoor recreation opportunities,  
12 including hunting and fishing, working farmlands and working  
13 waterfronts, to be matched by at least \$40,000,000 in private and public  
14 contributions?"

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

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

## 26 PART C

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

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

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

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

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

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

6           **Sec. C-4. 5 MRSA §6203, sub-§3, ¶C**, as amended by PL 2021, c. 33, §1, is further  
7 amended to read:

8           C. When interest in farmland is acquired with proceeds from the Land for Maine's  
9 Future Fund, fund the development of a business plan and capital improvements to  
10 provide for the land's continuing use as a working farm, as long as these improvements  
11 do not exceed 5% of the appraised value of the acquired property. Capital  
12 improvements under this paragraph may also be made on adjoining farmland in the  
13 same ownership or under the same management; ~~and~~

14           **Sec. C-5. 5 MRSA §6203, sub-§3, ¶D**, as enacted by PL 2021, c. 33, §1, is  
15 amended to read:

16           D. When land or interest in land is acquired with proceeds from the Land for Maine's  
17 Future Fund, fund minor capital investments in the stewardship and management of  
18 that land. Stewardship and management investments under this paragraph must be held  
19 in a dedicated stewardship endowment and identified for use on the funded property.  
20 Stewardship and management investments may not exceed 5% of the appraised value  
21 of the acquired property; ~~and~~

22           **Sec. C-6. 5 MRSA §6203, sub-§3, ¶E** is enacted to read:

23           E. When an interest in a deer wintering area determined to be important under section  
24 6207, subsection 2, paragraph E is acquired with proceeds from the Land for Maine's  
25 Future Fund, fund the development of a management plan to provide for the land's  
26 continuing function as a deer wintering area, as long as the cost of this plan does not  
27 exceed 5% of the appraised value of the acquired property. Development of a  
28 management plan under this paragraph may also be made on adjoining deer wintering  
29 areas in the same ownership or under the same management.

30           **Sec. C-7. 5 MRSA §6207, sub-§2, ¶E** is enacted to read:

31           E. Provides wintering habitat for deer in areas determined by the Department of Inland  
32 Fisheries and Wildlife to be important for conserving deer in northern, eastern and  
33 western areas of the State.

34           **Sec. C-8. 5 MRSA §6207, sub-§3**, as amended by PL 2011, c. 381, §1, is further  
35 amended to read:

36           **3. Priorities.** Whenever possible, the Land for Maine's Future Fund and the Public  
37 Access to Maine Waters Fund must be used for land acquisition projects when matching  
38 funds are available from cooperating entities, as long as the proposed acquisition meets all  
39 other criteria set forth in this chapter. For acquisitions funded by the Land for Maine's  
40 Future Fund, the board shall give priority to projects that conserve lands with multiple  
41 outstanding resource or recreation values or a single exceptional value; ~~conserve and~~  
42 protect deer wintering areas; help the State's natural ecosystems, wildlife and natural

1 resources-based economies adapt to a changing climate; provide geographic representation;  
2 and build upon or connect existing holdings.

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

6 **Sec. C-9. 5 MRSA §6207, sub-§3-A** is enacted to read:

7 **3-A. Deer wintering areas.** The board shall give preferential consideration to projects  
8 that conserve lands that have been determined by the Department of Inland Fisheries and  
9 Wildlife to be important for conserving deer in northern, eastern and western areas of the  
10 State. If acquired with proceeds from the Land for Maine's Future Fund, these lands must  
11 be owned by the Department of Inland Fisheries and Wildlife and managed as wildlife  
12 management areas, with deer conservation as the highest management priority.

13 **Sec. C-10. Contingent effective date.** This Part takes effect only if the General  
14 Fund bond issue proposed in Part B is approved by the voters of this State.

15 **PART D**

16 **Sec. D-1. Authorization of bonds.** The Treasurer of State is authorized, under the  
17 direction of the Governor, to issue bonds in the name and on behalf of the State in an  
18 amount not exceeding \$6,800,000 for the purposes described in section 5 of this Part. The  
19 bonds are a pledge of the full faith and credit of the State. The bonds may not run for a  
20 period longer than 10 years from the date of the original issue of the bonds.

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

25 **Sec. D-3. Sale; how negotiated; proceeds appropriated.** The Treasurer of  
26 State may negotiate the sale of the bonds by direction of the Governor, but no bond may  
27 be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the  
28 bonds, which must be held by the Treasurer of State and paid by the Treasurer of State  
29 upon warrants drawn by the State Controller, are appropriated solely for the purposes set  
30 forth in this Part. Any unencumbered balances remaining at the completion of the project  
31 in this Part lapse to the Office of the Treasurer of State to be used for the retirement of  
32 general obligation bonds.

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

36 **Sec. D-5. Disbursement of bond proceeds from General Fund bond issue.**  
37 The proceeds of the sale of the bonds authorized under this Part must be expended as  
38 designated in the following schedule under the direction and supervision of the agencies  
39 and entities set forth in this section.

40 **DEPARTMENT OF DEFENSE, VETERANS AND EMERGENCY**  
41 **MANAGEMENT**

1 Provides funds for the State's share of maintenance, repair, capital improvement,  
2 modernization and energy efficiency projects for Maine National Guard readiness  
3 centers and support facilities.

4 Total \$6,800,000

5 **Sec. D-6. Contingent upon ratification of bond issue.** Sections 1 to 5 do not  
6 become effective unless the people of the State ratify the issuance of the bonds as set forth  
7 in this Part.

8 **Sec. D-7. Appropriation balances at year-end.** At the end of each fiscal year,  
9 all unencumbered appropriation balances representing state money carry forward. Bond  
10 proceeds that have not been expended within 10 years after the date of the sale of the bonds  
11 lapse to the Office of the Treasurer of State to be used for the retirement of general  
12 obligation bonds.

13 **Sec. D-8. Bonds authorized but not issued.** Any bonds authorized but not issued  
14 within 5 years of ratification of this Part are deauthorized and may not be issued, except  
15 that the Legislature may, within 2 years after the expiration of that 5-year period, extend  
16 the period for issuing any remaining unissued bonds for an additional amount of time not  
17 to exceed 5 years.

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

24 "Do you favor a \$6,800,000 bond issue to provide funds for the State's  
25 share of maintenance, repair, capital improvement, modernization and  
26 energy efficiency projects for Maine National Guard readiness centers and  
27 support facilities, to be used to match an estimated \$7,600,000 in federal  
28 funds?"

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

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

40 **SUMMARY**

41 This bill does the following.

1           Part A provides a bond issue, in the amount of \$100,000,000, for the Department of  
2 Transportation to support its ongoing capital programs to preserve, improve and construct  
3 roads, bridges, railroads, airports, transit and ports.

4           Part B provides a bond issue, in the amount of \$40,000,000, that will be used to provide  
5 funds for the Department of Agriculture, Conservation and Forestry, Land for Maine's  
6 Future Board.

7           Part C allows proceeds of the Land for Maine's Future Fund to be spent on property  
8 that is determined by the Land for Maine's Future Board to be for a community  
9 conservation project. It defines "community conservation project" and amends the  
10 definition of "cooperating entities." It also provides that helping the State's natural  
11 ecosystems, wildlife and natural resources-based economies adapt to a changing climate is  
12 a priority of the board in making land acquisitions.

13           Part D provides a bond issue, in the amount of \$6,800,000, that will be used to provide  
14 funds for the State's share of maintenance, repair, capital improvement, modernization and  
15 energy efficiency projects for Maine National Guard readiness centers and support  
16 facilities, to be used to match an estimated \$7,600,000 in federal funds.