

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST SPECIAL SESSION
November 28, 1995 to December 1, 1995

SECOND REGULAR SESSION
January 3, 1996 to April 4, 1996

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 4, 1996

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1995

CHAPTER 84

H.P. 1371 - L.D. 1879

An Act to Authorize a General Fund Bond Issue in the Amount of \$16,500,000 to Investigate, Abate and Clean Up Hazardous Substance Discharges, to Clean Up Tire Stockpiles and to Close and Clean up Municipal Solid Waste Landfills

Preamble. Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14, to authorize the issuance of bonds on behalf of the State of Maine to provide funds to investigate, abate and clean up threats to public health and the environment from hazardous substance discharges, to clean up tire stockpiles and to close and clean up municipal solid waste landfills.

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

Sec. 1. Authorization of bonds to provide funds to investigate, abate and clean up threats to public health and the environment from hazardous substance discharges, to clean up tire stockpiles and to close and clean up municipal solid waste landfills. 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 \$16,500,000 to raise funds to investigate, abate and clean up threats to public health and the environment from hazardous substance discharges, to clean up tire stockpiles and to close and clean up municipal solid waste landfills as authorized by section 6. 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. At the discretion of the Treasurer of State, with the approval of the Governor, any issuance of bonds may contain a call feature.

Sec. 2. Records of bonds issued to be kept by the Treasurer of State. The Treasurer of State shall keep an account of each bond 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. 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 following purposes:

1. The investigation, abatement, cleanup and mitigation of threats to public health and the environment from hazardous substance discharges;

2. The cleanup of tire stockpiles to protect the public health and safety and the environment; the bond proceeds may only be expended for activities that abate the public health, safety and environmental hazards posed by stockpiles, encompassing activities that reduce the number of stockpiled tires in the State; and

3. The reimbursement for all outstanding municipal solid waste landfill closure and remediation expenses. Remaining proceeds must be allocated for municipal solid waste landfill site evaluation and planning and a municipal grants program for implementation of new landfill closure and clean-up plans.

Any unencumbered balances remaining at the completion of the projects in section 6 lapse to the debt service account established for the retirement of these bonds.

Sec. 4. Interest and debt retirement. The Treasurer of State shall pay interest due or accruing on any bonds issued under this Act and all sums coming due for payment of bonds at maturity.

Sec. 5. Disbursement of bond proceeds. The proceeds of the bonds must be expended as set out in section 6 under the direction and supervision of the Department of Environmental Protection.

Sec. 6. Allocations from General Fund bond issue; investigate, abate and clean up hazardous substance discharges; clean up tire stockpiles; close and clean up municipal solid waste landfills. The proceeds of the sale of bonds must be expended as designated in the following schedule.

1996-97

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Investigation, abatement, clean up and mitigation of threats to public health and the environment from hazardous substance discharges	\$2,500,000
Clean up of tire stockpiles to protect the public health and safety and the environment	5,000,000

Reimbursement for all outstanding municipal solid waste landfill closure and remediation expenses. Remaining proceeds to be allocated for municipal solid waste landfill site evaluation and planning and a municipal grants program for implementation of new landfill closure and clean-up plans

9,000,000

DEPARTMENT OF ENVIRONMENTAL PROTECTION

TOTAL ALLOCATIONS \$16,500,000

cities and towns for the closure and cleanup of their solid waste landfills?"

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

Sec. 7. Contingent upon ratification of bond issue. Sections 1 to 6 do not become effective unless the people of the State have ratified the issuance of bonds as set forth in this Act.

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

Sec. 8. Appropriation balances at year end. At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to General Fund debt service.

Effective pending referendum.

Sec. 9. Bonds authorized but not issued. Any bonds authorized but not issued, or for which bond anticipation notes are not issued within 5 years of ratification of this Act, are deauthorized and may not be issued; except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds or bond anticipation notes for an additional amount of time not to exceed 5 years.

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

"Do you favor a \$16,500,000 bond issue for the following purposes: (1) \$2,500,000 to investigate, abate and clean up threats to the public health and the environment from hazardous substance discharges; (2) \$5,000,000 to protect the public health, safety and the environment by providing funds for the cleanup of tire stockpiles; and (3) \$9,000,000 to protect the State's drinking water resources by granting funds to