

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
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J.S. McCarthy Company
Augusta, Maine
1999

CHAPTER 57

S.P. 279 - L.D. 797

**An Act to Authorize a General Fund
Bond Issue in the Amount of
\$9,400,000 to Enable Maine Public
Broadcasting to Implement the
Federally Mandated Conversion to
Digital Broadcasting**

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 for the conversion to digital broadcasting by the Maine Public Broadcasting Corporation.

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

Sec. 1. Authorization of bonds to provide for the conversion to digital broadcasting by the Maine Public Broadcasting Corporation. 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 \$9,400,000 to raise funds for the conversion to digital broadcasting by the Maine Public Broadcasting Corporation 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 purposes set forth in this Act. Any unencumbered balances remaining at the completion of the project in section 6 lapse to the debt service account established for the retirement of these bonds. Any portion of the total \$9,400,000 that is provided by the Federal Government toward this conversion must be used to avoid the issuance of that same portion of this

bond. If the Federal Government provides any portion of the total \$9,400,000 after bonds have been issued for this purpose, then the Maine Public Broadcasting Corporation must refund that amount to the Treasurer of State without prepayment penalty. The Treasurer of State shall deposit the refund in the Debt Service Earnings account to be used to fund required debt service payments for the amount issued.

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 Maine Public Broadcasting Corporation.

Sec. 6. Allocations from General Fund bond issue; conversion to digital broadcasting. The proceeds of the sale of bonds must be expended as designated in the following schedule.

**MAINE PUBLIC
BROADCASTING
CORPORATION**

To implement the federally mandated conversion to digital broadcasting.	\$9,400,000
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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.

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.

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 statewide election; form of question; effective date. This Act must be submitted to the legal voters of the State of Maine at a statewide election held on the Tuesday following the first Monday 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 \$9,400,000 bond issue for the conversion to digital broadcasting by the Maine Public Broadcasting Corporation?"

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.

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 purpose of this referendum.

Effective pending referendum.

CHAPTER 58

S.P. 760 - L.D. 2136

An Act to Create the Capital Riverfront Improvement District

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. Definitions. As used in this Act, unless the context otherwise indicates, the following terms have the following meanings.

1. "Bonds" mean any bonds or securities of the district issued pursuant to this Act.
2. "Cost" as applied to a project, projects or part of a project, includes, but is not limited to:

- A. The purchase price or acquisition cost of such a project, projects or part of a project;
 - B. The cost of building, alteration, enlargement, renovation and remodeling;
 - C. The cost of all labor, materials and fixtures;
 - D. The cost of all structures, rights, interests and franchises acquired;
 - E. The cost of all utility extensions, access roads, site development, financing charges, premiums for insurance and interest prior to and during construction;
 - F. The cost of working capital related to such a project, projects or part of any project;
 - G. The cost of plans and specifications, surveys and estimates of cost and of revenues;
 - H. The cost of engineering, feasibility, legal and other professional services;
 - I. The cost of reserves, insurance, letters of credit or other financial guarantees for payment of debt service on securities;
 - J. The cost of all other expenses necessary or incident to determining the feasibility or practicability of such a project, projects or part of a project;
 - K. Administrative expenses; and
 - L. Any other expenses that are necessary or incidental to such a project, projects or part of a project and financing or refinancing authorized, including the refunding of any outstanding obligations, mortgages or advances issued, made or given by a person for any of the costs under this subsection.
3. "District" means the Capital Riverfront Improvement District and any successors to that district.
 4. "Governing board" means the Governing Board of the Capital Riverfront Improvement District.
 5. "Project, projects or part of a project" means the acquisition, construction, improvement, reconstruction or equipping of, or construction of an addition or additions to, any structure designed for use as part of the district, including office or activity space. The structure may include facilities for the use of related agencies of local government. "Project, projects or part of a project" also includes all real and personal property, lands, improvements, driveways, roads, approaches, pedestrian access roads, parking lots, parking facilities, rights-of-way, utilities, easements and other interests in land, machinery and