

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**SECOND SPECIAL SESSION**

**July 29, 2005**

**SECOND REGULAR SESSION**

**January 4, 2006 to May 24, 2006**

**THE GENERAL EFFECTIVE DATE FOR**

**SECOND SPECIAL SESSION**

**NON-EMERGENCY LAWS IS**

**OCTOBER 28, 2005**

**THE GENERAL EFFECTIVE DATE FOR**

**SECOND REGULAR SESSION**

**NON-EMERGENCY LAWS IS**

**AUGUST 23, 2006**

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TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Penmor Lithographers**

**Lewiston, Maine**

**2006**

**PUBLIC LAWS OF THE STATE OF MAINE**  
**AS PASSED AT**  
**THE SECOND SPECIAL SESSION OF THE**  
**ONE HUNDRED AND TWENTY-SECOND**  
**LEGISLATURE**  
**2005**

**CHAPTER 462**

**S.P. 338 - L.D. 998**

**An Act To Authorize Bond Issues for**  
**Ratification by the Voters at the**  
**November 2005 Election**

**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 as described in this Act,

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

**PART A**

**Sec. A-1. Authorization of bonds.** 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 \$33,100,000 for the purposes described in section 6 of this Part. 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. A-2. Records of bonds issued kept by 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. A-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 Part. Any unencumbered balances remaining at the completion of the projects in this Part lapse to the debt service account established for the retirement of these bonds.

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

**Sec. A-5. Disbursement of bond proceeds.** The proceeds of the bonds must be expended as set out in this Part under the direction and supervision of the Department of Transportation.

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

**DEPARTMENT OF TRANSPORTATION**

**Highway Fund**

Highway and Bridge Improvements	\$27,000,000
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<b>Highway Fund Total</b>	<u>\$27,000,000</u>
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**General Fund**

State-owned Ferry Vessels and Ferry and Port Facilities (includes funds to rebuild the bulkhead at the Gulf of Maine Research Institute and the pier at Fort Preble in South Portland)	\$3,500,000
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Airports (includes \$450,000 for the Presque Isle project, \$250,000 for small airport projects and \$1,000,000 for all other airport projects)	\$1,700,000
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Transit and Bus Improvements	\$500,000
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Pedestrian and Bicycle Trails (aids local community trails)	\$400,000
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<b>General Fund Total</b>	<u>\$6,100,000</u>
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**Sec. A-7. Contingent upon ratification of bond issue.** Sections 1 to 6 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Part.

**Sec. A-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 or Highway Fund debt service.

**Sec. A-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 Part, 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. A-10. Referendum for ratification; submission at statewide election; form of question; effective date.** This Part must be submitted to the legal voters of the State 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 Part by voting on the following question:

"Do you favor a \$33,100,000 bond issue for improvements to highways and bridges; airports; public transit improvements; state-owned ferry vessels and ferry and port facilities including port and harbor structures; and statewide bicycle trail and pedestrian improvements that makes the State eligible for over \$158,000,000 in matching funds?"

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 this Part, the Governor shall proclaim the result without delay, and this Part 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 Part necessary to carry out the purposes of this referendum.

## PART B

**Sec. B-1. Authorization of bonds.** 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 \$12,000,000 for the purposes described in section 5 of this Part and to access \$7,000,000 in matching contributions from public and private sources. 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. B-2. Records of bonds issued kept by 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. B-3. Sale; how negotiated; purposes 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 Part. Any unencumbered balances remaining at the completion of the projects in this Part lapse to the debt service account established for the retirement of these bonds.

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

**Sec. B-5. Disbursement of bond proceeds; purposes.** The proceeds of the bonds must be expended as set out in this Part under the direction and supervision of the Land for Maine's Future Board. The proceeds of the bonds must be expended for acquisition of land and interest in land for conservation, water access, outdoor recreation, wildlife and fish habitat, farmland preservation in accordance with the provisions for such acquisitions under the Maine Revised Statutes, Title 5, chapter 353 and working waterfront preservation in accordance with the terms of this Part, including all costs associated with such acquisitions, except that use of the proceeds of these bonds is subject to the following conditions and requirements.

1. Hunting, fishing, trapping and public access may not be prohibited on land acquired with bond proceeds, except to the extent of applicable state, local or federal laws and regulations and except for working waterfront projects.
2. Payment from bond proceeds for acquisitions of local or regional significance, as determined by the

Land for Maine's Future Board, may be made directly to cooperating entities as defined in Title 5, section 6201, subsection 2 for acquisition of land and interest in land by cooperating entities, subject to terms and conditions enforceable by the State to ensure their use for the purposes of this Part. In addition to the considerations required under Title 5, chapter 353, the board shall give a preference to acquisitions under this subsection that achieve benefits for multiple towns and that address regional conservation needs including public recreational access, wildlife, open space or farmland.

3. The bond funds expended for conservation, recreation, farmland and water access must be matched with at least \$5,000,000 in public and private contributions. Seventy percent of that amount must be in the form of cash or other tangible assets, including the value of land and real property interest acquired by or contributed to cooperating entities when property interests have a direct relationship to the property proposed for protection, as determined by the Land for Maine's Future Board. The remaining 30% may be matching contributions and may include the value of project-related, in-kind contributions of goods and services to and by cooperating entities.

4. One million dollars of the bond proceeds allocated to the Land for Maine's Future Board must be made available to acquire public access to water in accordance with the provisions of Title 5, section 6203-A.

5. One million dollars of the bond proceeds allocated to the Land for Maine's Future Board must be made available to protect farmland in accordance with Title 5, section 6207.

6. Two million dollars of the bond proceeds allocated to the Land for Maine's Future Board must be made available to protect working waterfront properties in accordance with section 6 of this Part.

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

#### **Sec. B-6. Maine working waterfront protection pilot program.**

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

A. "Board" means the Land for Maine's Future Board.

B. "Commercial fisheries business" means any enterprise directly or indirectly concerned with the commercial harvest of wild or aquacultured

fish or shellfish. Commercial fisheries businesses include without limitation commercial fishermen, aquaculturists, individuals and businesses providing direct services to commercial fishermen and aquaculturists, fishermen's cooperatives and municipal and private piers and wharves operated to provide waterfront access to commercial fishermen and aquaculturists.

C. "Commissioner" means the Commissioner of Marine Resources.

D. "Department" means the Department of Marine Resources.

E. "Pilot program" means the Maine Working Waterfront Access Pilot Program.

**2. Pilot program established; administration.** The Maine Working Waterfront Access Pilot Program is established to provide protection to strategically significant working waterfront properties whose continued availability to commercial fisheries businesses is essential to the long-term future of this economic sector. The department shall administer the pilot program either directly or by contract with a suitable organization.

**3. Review panel.** The department shall organize a review panel to advise the commissioner in the operation of the pilot program, including without limitation evaluating and recommending to the department applicants for participation in the pilot program.

**4. Selection criteria.** The department shall develop selection criteria with which to evaluate applications for investment in protected working waterfront properties. The selection criteria must include, without limitation:

A. The economic significance of the property to the commercial fisheries industry in the immediate vicinity and in the State as a whole;

B. The availability of alternative working waterfront properties in the same vicinity;

C. The degree of community support for the proposed investment;

D. The level of threat of conversion to uses incompatible with commercial fisheries businesses; and

E. The utility of the proposed protected property for commercial fisheries business uses in terms of its natural characteristics and developed infrastructure.

**5. Interests acquired; permanence.** The board may acquire real estate interests in accordance with

this section directly from willing property owners and may make acquisition grants to local governments, to organizations qualified to hold conservation easements under the Maine Revised Statutes, Title 33, chapter 7, subchapter 8-A and to organizations determined by the board to be capable of holding other less-than-fee interests that are designed to protect access to working waterfront properties. Grants made pursuant to this section are for the purpose of acquiring real property in both fee and less-than-fee simple interest, including, but not limited to, conservation easements, access easements and other permanent interests in land. The board shall include as a condition of any acquisition and grant made under this section the requirement that the protected property may not be used, altered or developed in a manner that precludes its use by commercial fisheries businesses. As an additional condition, the board must retain a permanent right of first refusal on any property acquired in fee or protected by conservation easement or other less-than-fee interests. Exercise of the right of first refusal must be at a price determined by an independent professional appraiser based on the value of the property to a commercial fisheries business at the time of exercise of the right. The board may assign this right to a commercial fisheries business or to a local government if, in the board's judgment, such an assignment is consistent with the purposes of this section. To the extent permissible by law, if the board determines that the public purposes of a grant made under this section are no longer served, the board in its sole discretion may terminate a grant agreement made under this section conditional on repayment of the original grant amount or an amount equal to that proportion of the then-current value of the protected real estate that represents that the ratio of the original grant amount to the original fee interest value at the time of the grant. Any funds recovered under this subsection may be expended only for the purposes of this section.

**6. Matching funds.** For each grant made under this section, the board shall require that the grant recipient provide matching funds at least equal to the amount of the grant.

**7. Interdepartmental coordination.** The commissioner may request technical assistance from the Executive Department, State Planning Office and the Department of Transportation in the development and implementation of the pilot program.

**8. Rulemaking.** The commissioner may adopt rules necessary for the implementation and administration of the pilot program. Rules adopted under this subsection are routine technical rules under the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

**Sec. B-7. Allocations from General Fund bond issue.** The proceeds of the sale of the bonds

authorized under this Part must be expended as designated in the following schedule.

## EXECUTIVE DEPARTMENT

### State Planning Office

#### Land for Maine's Future Board

Provides for the use of bond proceeds to \$12,000,000 be used for the acquisition of land and interest in land for conservation, water access, outdoor recreation, wildlife and fish habitat, farmland preservation and working waterfront preservation.

**Sec. B-8. Contingent upon ratification of bond issue.** Sections 1 to 7 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Part.

**Sec. B-9. 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. B-10. 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 Part, 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. B-11. Referendum for ratification; submission at statewide election; form of question; effective date.** This Part must be submitted to the legal voters of the State 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 Part by voting on the following question:

"Do you favor a \$12,000,000 bond issue to purchase land and conservation easements statewide from willing sellers for conservation, water access, wildlife and fish habitat, outdoor recreation, including hunting and fishing, farmland preservation and working waterfront preservation to be matched by at least \$7,000,000 in private and public contributions?"

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 this Part, the Governor shall proclaim the result without delay, and this Part 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 Part necessary to carry out the purposes of this referendum.

**PART C**

**Sec. C-1. 12 MRSA §1852, sub-§5, ¶C,** as enacted by PL 1997, c. 678, §13, is amended to read:

C. With respect to persons with residential leasehold interests in public reserved lands on October 1, 1975 or on lands exchanged for public reserved lands or on lands acquired with Land for Maine's Future Board funds with respect to residential and camp owner leases in existence on or before November 30, 2005, shall enter into new leasehold agreements with those persons and thereafter renew those leases from time to time on reasonable terms and conditions as long as the lessee complies with the terms and conditions of the leases and with all applicable laws and rules of the State.

**Sec. C-2. Application; contingent on bond issue.** This Part takes effect only if the bond issue in Part B is approved by the voters of this State.

**PART D**

**Sec. D-1. Authorization of bonds.** 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 \$20,000,000 for the purposes described in section 6 of this Part. 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. D-2. Records of bonds issued kept by 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. D-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 Part. Any unencumbered balances remaining at the completion of the projects in this Part lapse to the debt service account established for the retirement of these bonds.

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

**Sec. D-5. Disbursement of bond proceeds.** The proceeds of the bonds must be expended as set out in this Part under the direction and supervision of the Department of Education, the Department of Economic and Community Development, the Maine State Cultural Affairs Council, the Small Enterprise Growth Board, the University of Maine and the University of Maine System.

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

**DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT**

Provides funds for the Maine Biomedical Research Fund to support capital infrastructure and equipment in anticipation of approximately \$36,000,000 in federal and private funds. Eligible institutions are those delineated in the Maine Revised Statutes, Title 5, section 13103. \$8,000,000

Provides funds for the Marine Infrastructure and Technology Fund administered by the Maine Technology Institute to match \$4,000,000 in federal and private funding for competitive capital infrastructure grants to nonprofit marine research laboratories, institutions and state governmental and quasi-governmental agencies. Eight hundred fifty thousand dollars is set aside to purchase the property known as Black Duck Cove on Great Wass Island to serve as the home of the Downeast Institute for Applied Marine Research and Education. If the institute receives \$1,000,000 or more from the Federal \$4,000,000

Government for this purpose, then the funds set aside are to be awarded as competitive grants.

**SMALL ENTERPRISE GROWTH BOARD**

Provides funds for the Small Enterprise Growth Fund to make equity investments in small Maine companies with the potential for high growth to leverage funds of at least \$1,000,000. \$1,000,000

**MAINE STATE CULTURAL AFFAIRS COUNCIL**

Provides funds for the New Century Community Program in anticipation of \$3,000,000 in matching funds to invest in capital improvements improving cultural assets, including libraries, museums, historical buildings, theaters and arts facilities. \$1,000,000

**DEPARTMENT OF EDUCATION**

Provides funds for the development of the Sunrise Business and Career Center in the Town of Jonesboro. \$1,000,000

**UNIVERSITY OF MAINE**

Provides funds for the Laboratory for Surface Science Technology. \$2,000,000

Provides funds to renovate Camden Hall on the University of Maine Bangor campus for a graduate school for biomedical science. \$1,000,000

**UNIVERSITY OF MAINE SYSTEM**

Provides funds for the career center facility at the University of Southern Maine's Lewiston-Auburn College. Funds will be used for capital costs and equipment for the center. \$2,000,000

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

**Sec. D-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. D-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 Part, 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. D-10. Referendum for ratification; submission at statewide election; form of question; effective date.** This Part must be submitted to the legal voters of the State 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 Part by voting on the following question:

"Do you favor a \$20,000,000 bond issue to stimulate economic growth and job creation through investments in the Maine economy in anticipation of approximately \$44,000,000 in federal and private funds for medical research and development; marine research and development; equity investments in small Maine companies with potential for high growth; the New Century Community Program for capital improvements to cultural resources; the renovation of Camden Hall on the University of Maine Bangor campus for a graduate school for biomedical science; the development of the Laboratory for Surface Science Technology; capital costs and equipment for the career center facility at the University of Southern Maine's Lewiston-Auburn College; and the development of the Sunrise Business and Career Center in the Town of Jonesboro?"

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 this Part, the Governor shall proclaim the result without delay, and this Part 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 Part necessary to carry out the purposes of this referendum.



**PART E**

**Sec. E-1. Authorization of bonds.** 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 \$9,000,000 for the purposes described in section 6 of this Part. 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. E-2. Records of bonds issued kept by 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. E-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 Part. Any unencumbered balances remaining at the completion of the projects in this Part lapse to the debt service account established for the retirement of these bonds.

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

**Sec. E-5. Disbursement of bond proceeds.** The proceeds of the bonds must be expended as set out in this Part under the direction and supervision of the University of Maine System, the University of Southern Maine and the Maine Community College System.

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

**UNIVERSITY OF MAINE SYSTEM**

Provides funds for building renovations on campuses of the University of Maine System. \$2,000,000

**UNIVERSITY OF SOUTHERN MAINE**

Provides funds to improve and expand the facilities of the Osher Lifelong \$2,000,000

Learning Institute at the University of Southern Maine to match \$4,000,000 in private funding.

**MAINE COMMUNITY COLLEGE SYSTEM**

Provides funds for building renovations at community college campuses. \$5,000,000

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

**Sec. E-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. E-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 Part, 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. E-10. Referendum for ratification; submission at statewide election; form of question; effective date.** This Part must be submitted to the legal voters of the State 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 Part by voting on the following question:

"Do you favor a \$9,000,000 bond issue to make building renovations at campuses of the University of Maine System, improve and expand the facilities of the Osher Lifelong Learning Institute at the University of Southern Maine and make building renovations at campuses of the Maine Community College System?"

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 this Part, the Governor shall proclaim the result without delay, and this Part 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 Part necessary to carry out the purposes of this referendum.

## PART F

**Sec. F-1. Authorization of bonds.** 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 \$8,900,000 for the purposes described in section 6 of this Part. 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. F-2. Records of bonds issued kept by 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. F-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 Part. Any unencumbered balances remaining at the completion of the projects in this Part lapse to the debt service account established for the retirement of these bonds.

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

**Sec. F-5. Disbursement of bond proceeds.** The proceeds of the bonds must be expended as set out in this Part under the direction and supervision of the Department of Agriculture, Food and Rural Resources, the Department of Environmental Protection, the Department of Health and Human Services and the University of Maine System.

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

### DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES

Provides funds for sustainable water sources and irrigation system development to leverage private funds of \$800,000. \$1,000,000

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

Provides funds for a wastewater state revolving fund to be matched by \$13,000,000 in other funds. \$2,600,000

Provides funds for loans and grants for construction and improvements in the Small Community Grants program. \$1,000,000

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

Provides funds for grants and low-interest loans to construct and upgrade public water systems matched by \$17,500,000 in federal funds. \$3,500,000

### UNIVERSITY OF MAINE SYSTEM

Provides funds for the repair and improvement of the Witter Veterinary Technician Facility at the University of Maine. \$800,000

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

**Sec. F-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. F-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 Part, 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. F-10. Referendum for ratification; submission at statewide election; form of question; effective date.** This Part must be submitted to the legal voters of the State 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 an \$8,900,000 bond issue for purposes related to agriculture and the environment in anticipation of approximately \$31,000,000 in federal funds to be used for sustainable water sources and irrigation system development, loans from a wastewater state revolving fund, grants from a small community grants program, support of public water system improvements and repairs and improvements to a veterinary technician facility at the University of Maine?"

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 this Act, the Governor shall proclaim the result without delay, and this 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 purposes of this referendum.

Effective pending referendum, unless otherwise indicated.

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**CHAPTER 463**

**H.P. 869 - L.D. 1272**

**An Act To Ensure Compliance with the Federal Americans with Disabilities Act for Court Facilities**

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

**Sec. 1. 4 MRSA §1610-E** is enacted to read:

**§1610-E. Additional securities; compliance with federal law**

Notwithstanding any limitation on the amount of securities that may be issued pursuant to section 1606, subsection 2, the authority may issue additional securities in an amount not to exceed \$1,000,000 outstanding at any one time to make court facilities

comply with the federal Americans with Disabilities Act.

**Sec. 2. Maine Governmental Facilities Authority; resolution for the issuance of securities.** Pursuant to the Maine Revised Statutes, Title 4, section 1606, subsection 2 and section 1610-E, and notwithstanding the limitation contained in Title 4, section 1606, subsection 2 regarding the amount of securities that may be issued, the Maine Governmental Facilities Authority is authorized to issue securities in its own name in an amount up to \$1,000,000 for the purpose of renovating or retrofitting court facilities to comply with the federal Americans with Disabilities Act.

**Sec. 3. Allocation.** The proceeds from the sale of securities issued by the Maine Governmental Facilities Authority pursuant to this Act must be expended as follows:

<b>Judicial Department</b>	\$1,000,000
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To make court facilities compliant with the federal Americans with Disabilities Act.

**Sec. 4. Effective date.** This Act takes effect July 1, 2006.

Effective July 1, 2006.

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