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An Act To Authorize a General Fund Bond Issue To Support Maine's Natural Resource-based Economy

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:

Sec. 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 \$48,000,000 for the purposes described in section 5 of this Act and to access \$36,000,000 in matching contributions from public and private sources. No more than \$24,000,000 may be issued in the first year and no more than \$24,000,000 may be issued in the 2nd year. 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.

Sec. 2. Records of bonds issued; Treasurer of State. The Treasurer of State shall ensure that an account of each bond is kept 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 this Act lapse to the Office of the Treasurer of State to be used for the retirement of general obligation 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 this Act under the direction and supervision of the Executive Department, State Planning Office; the Department of Conservation; the Department of Agriculture, Food and Rural Resources; and the Department of Marine Resources.

1. The proceeds of the bonds for the Land for Maine's Future Board as set out in section 6 must be expended by the Executive Department, State Planning Office 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 Act, including all costs associated with such acquisitions, except that use of the proceeds of these bonds is subject to the following conditions and requirements.

A. 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, rules and regulations and except for working waterfront projects and farmland protection projects.

B. 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 its use for the purposes of this Act. In addition to the considerations required under Title 5, chapter 353, the board shall give a preference to acquisitions under this paragraph that achieve benefits for multiple towns and that address regional conservation needs including public recreational access, wildlife, open space and farmland.

C. The bond funds expended for conservation, recreation, farmland and water access must be matched with at least \$36,000,000 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, as defined in Title 5, section 6201, subsection 2, 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.

D. Of the bond proceeds allocated to the Land for Maine's Future Board, \$4,000,000 must be made available to protect farmland in accordance with Title 5, section 6207.

E. Of the bond proceeds allocated to the Land for Maine's Future Board, \$4,000,000 must be made available to protect working waterfront properties in accordance with Public Law 2005, chapter 462, Part B, section 6.

F. Because portions of the State have deer populations that are struggling and deer wintering habitat protection is vital to the survival and enhancement of these populations, projects that conserve and protect deer wintering areas are considered to have special value and must receive preferential consideration during scoring of new applications for support under Title 5, section 6200, et seq.

2. The proceeds of the bonds for the Department of Agriculture, Food and Rural Resources must be expended on agricultural infrastructure improvements.

3. The Department of Conservation and the Department of Inland Fisheries and Wildlife shall take a proactive approach to pursuing land conservation projects that include significant wildlife habitat conservation, including conservation of deer wintering areas. The departments shall include in conservation negotiations under this section provisions for the appropriate management of deer wintering areas. The proceeds of the bonds for the Department of Conservation must be expended as follows.

A. Two million dollars allocated to the Maine Forest Service must be used for forestry infrastructure improvements.

B. Two million dollars allocated to the Bureau of Parks and Lands must be used for public recreation infrastructure improvements.

C. Four million dollars allocated to the Bureau of Parks and Lands must be used to preserve state parks and lands managed by the Department of Conservation.

4. The proceeds of the bonds for the Department of Marine Resources must be expended on commercial fishing infrastructure improvements.

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

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

EXECUTIVE DEPARTMENT

State Planning Office

Land for Maine's Future Board

Provides funds in order to leverage \$28,000,000 in other funds to be used for the acquisition of land and interest in land for conservation; water access, wildlife and fish habitat; and outdoor recreation, including hunting and fishing.

Total \$28,000,000

Provides funds to be used for working farmland preservation in order to leverage \$4,000,000 in other funds.

Total \$4,000,000

Provides funds to be used for working waterfront preservation in order to leverage \$4,000,000 in other funds.

Total \$4,000,000

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Provides funds for agricultural infrastructure improvements.

Total \$2,000,000

MARINE RESOURCES, DEPARTMENT OF

Provides funds for commercial fishing infrastructure improvements.

Total \$2,000,000

CONSERVATION, DEPARTMENT OF

Bureau of Parks and Lands

Provides funds for recreational infrastructure improvements.

Total \$2,000,000

Bureau of Parks and Lands

Provides funds to preserve state parks and properties managed by the Department of Conservation.

Total \$4,000,000

Maine Forest Service

Provides funds for forestry infrastructure improvements.

Total \$2,000,000

Sec. 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 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 the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. 9. Bonds authorized but not issued. Any bonds authorized but 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 for an additional amount of time not to exceed 5 years.

Sec. 10. Referendum for ratification; submission at election; form of question; effective date. This Act must be submitted to the legal voters of the State at a statewide election held 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 \$36,000,000 bond issue to purchase land and conservation easements statewide from willing sellers for public land and water access, conservation, wildlife and fish habitat and outdoor recreation, including hunting and fishing, and to preserve farmland, working waterfronts and state parks to be matched by at least \$36,000,000 in private and public contributions and a \$12,000,000 bond issue to provide important natural resource industry and state park infrastructure?"

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. 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.

SUMMARY

The funds provided in this bond issue are to recapitalize the Land for Maine's Future program with \$36,000,000 to continue Maine's land conservation efforts, leveraging a minimum of \$36,000,000 in required matching funds. It provides \$12,000,000 for natural resource industry based infrastructure improvements and enhancement related to natural resource industry and to provide capital for state park maintenance and improvements. It also gives land conservation projects that protect and enhance deer wintering habitat preference and directs the Department of Inland Fisheries and Wildlife and the Department of Conservation to pursue projects that protect and conserve deer wintering habitat.