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Legislative Document

No. 983

S.P. 313

In Senate, March 9, 2021

**An Act To Authorize a General Fund Bond Issue To Promote Land
Conservation, Working Waterfronts, Water Access and Outdoor
Recreation**

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BREEN of Cumberland.
Cosponsored by Representative COREY of Windham and
Senators: President JACKSON of Aroostook, VITELLI of Sagadahoc, Representatives:
DUNPHY of Old Town, Speaker FECTEAU of Biddeford, PIERCE of Falmouth.

1 **Preamble.** Two thirds of both Houses of the Legislature deeming it necessary in
2 accordance with the Constitution of Maine, Article IX, Section 14 to authorize the issuance
3 of bonds on behalf of the State of Maine to provide funds as described in this Act,

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

5 **PART A**

6 **Sec. A-1. Authorization of bonds.** The Treasurer of State is authorized, under the
7 direction of the Governor, to issue bonds in the name and on behalf of the State in an
8 amount not exceeding \$80,000,000 for the purposes described in section 6 of this Part. The
9 bonds are a pledge of the full faith and credit of the State. The bonds may not run for a
10 period longer than 10 years from the date of the original issue of the bonds.

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

15 **Sec. A-3. Sale; how negotiated; proceeds appropriated.** The Treasurer of
16 State may negotiate the sale of the bonds by direction of the Governor, but no bond may
17 be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the
18 bonds, which must be held by the Treasurer of State and paid by the Treasurer of State
19 upon warrants drawn by the State Controller, are appropriated solely for the purposes set
20 forth in this Part. Any unencumbered balances remaining at the completion of the project
21 in this Part lapse to the Office of the Treasurer of State to be used for the retirement of
22 general obligation bonds.

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

26 **Sec. A-5. Disbursement of bond proceeds.** The proceeds of the bonds must be
27 expended as set out in this Part under the direction and supervision of the Department of
28 Agriculture, Conservation and Forestry.

29 1. The proceeds of the bonds for the Land for Maine's Future Board as set out in section
30 6 must be expended by the Department of Agriculture, Conservation and Forestry for
31 acquisition of land and interest in land for conservation, water access, outdoor recreation,
32 wildlife and fish habitat, working farmland preservation in accordance with the provisions
33 for such acquisitions under the Maine Revised Statutes, Title 5, chapter 353 and working
34 waterfront protection in accordance with the terms of Public Law 2005, chapter 462, Part
35 B, section 6, including all costs associated with such acquisitions, except that use of the
36 proceeds of these bonds is subject to the following conditions and requirements.

37 A. Hunting, fishing, trapping and public access may not be prohibited on land acquired
38 with bond proceeds, except to the extent of applicable state, local or federal laws, rules
39 and regulations and except for working waterfront projects and working farmland
40 preservation projects.

41 B. Payment from bond proceeds for acquisitions of land or interest in land for
42 community conservation projects as defined in the Maine Revised Statutes, Title 5,
43 section 6201, subsection 1-B may be made directly to cooperating entities as defined

1 in Title 5, section 6201, subsection 2 for acquisition of land and interest in land by
2 cooperating entities, subject to terms and conditions enforceable by the State to ensure
3 its use for the purposes of this Part.

4 C. The bond funds expended for conservation, recreation, working waterfronts,
5 working farmland, community conservation projects and water access must be matched
6 with at least \$60,000,000 in public and private contributions. Seventy percent of that
7 amount must be in the form of cash or other tangible assets, including the value of land
8 and real property interest acquired by or contributed to cooperating entities, as defined
9 in Title 5, section 6201, subsection 2, when property interests have a direct relationship
10 to the property proposed for protection, as determined by the Land for Maine's Future
11 Board. The remaining 30% may be matching contributions and may include the value
12 of project-related, in-kind contributions of goods and services to and by cooperating
13 entities.

14 D. Because of changing climate conditions, projects that address climate change,
15 resiliency and mitigation strategies that benefit natural ecosystems, wildlife and
16 working waterfronts and farmland to adapt must be given special consideration by the
17 Land for Maine's Future Board.

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

21 2. Because portions of the State have deer populations that are struggling and deer
22 wintering habitat protection is vital to the survival and enhancement of these populations,
23 projects that conserve and protect deer wintering areas are considered to have special value
24 and must receive preferential consideration during scoring of new applications for support
25 under Title 5, chapter 353. The Department of Agriculture, Conservation and Forestry and
26 the Department of Inland Fisheries and Wildlife shall take a proactive approach to pursuing
27 land conservation projects that include conservation of priority deer wintering areas and
28 not working waterfront preservation projects or working farmland preservation projects.
29 In order to be subject to this designation, priority deer wintering areas must be of at least
30 500 acres or contiguous with existing conservation land so that the combined acreage
31 constitutes at least 500 acres, must have been historically used by deer at some point since
32 1950 and must be capable of providing shelter for deer on the effective date of this Part or
33 within 20 years of the effective date of this Part. The Department of Inland Fisheries and
34 Wildlife shall include in conservation negotiations under this section provisions for the
35 appropriate management of priority deer wintering areas. Land and interest in land
36 purchased by the State that contains priority deer wintering areas must be managed using
37 protocol provided by the Department of Inland Fisheries and Wildlife.

38 3. Of the bond proceeds allocated to the Land for Maine's Future Board as set out in
39 section 6, at least 5% must be made available to acquire public access to water in
40 accordance with Title 5, section 6203-A. Funds under this subsection not spent within a
41 10-year period may be allocated at the discretion of the Land for Maine's Future Board.

42 4. Of the bond proceeds allocated to the Land for Maine's Future Board as set out in
43 section 6, at least 10% must be made available to protect farmland in accordance with Title
44 5, section 6207. Funds under this subsection not spent within a 10-year period may be
45 allocated at the discretion of the Land for Maine's Future Board.

1 5. Of the bond proceeds allocated to the Land for Maine's Future Board as set out in
2 section 6, at least 10% must be made available to protect working waterfront properties in
3 accordance with Public Law 2005, chapter 462, Part B, section 6. Funds under this
4 subsection not spent within a 10-year period may be allocated at the discretion of the Land
5 for Maine's Future Board.

6 **Sec. A-6. Disbursement of bond proceeds from General Fund bond issue.**

7 The proceeds of the sale of the bonds authorized under this Part must be expended as
8 designated in the following schedule.

9 **AGRICULTURE, CONSERVATION AND FORESTRY,**

10 **DEPARTMENT OF**

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

12 Provides funds in order to leverage \$60,000,000 in matching contributions from public
13 and private sources to be used for the acquisition of land and interest in land for
14 conservation; water access; wildlife and fish habitat, including deer wintering areas;
15 outdoor recreation, including hunting and fishing; and working farmland preservation
16 and working waterfront preservation. No more than \$12,000,000 may be issued in the
17 first year by the Land for Maine's Future Board and no more than \$12,000,000 may be
18 issued by the Land for Maine's Future Board in each of the 4 subsequent years, except
19 that any unused balance may be added to the specified amount in subsequent years.

20 Total \$60,000,000

21 **Bureau of Parks and Lands**

22 Provides funds to make necessary capital improvements in the State's parks and historic
23 sites. No more than \$4,000,000 may be issued in the first year by the Bureau of Parks
24 and Lands and no more than \$4,000,000 may be issued by the Bureau of Parks and Lands
25 in each of the 4 subsequent years, except that any unused balance may be added to the
26 specified amount in subsequent years.

27 Total \$20,000,000

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

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

36 **Sec. A-9. Bonds authorized but not issued.** Any bonds authorized but not issued
37 within 5 years of ratification of this Part are deauthorized and may not be issued, except
38 that the Legislature may, within 2 years after the expiration of that 5-year period, extend
39 the period for issuing any remaining unissued bonds for an additional amount of time not
40 to exceed 5 years.

41 **Sec. A-10. Referendum for ratification; submission at election; form of**
42 **question; effective date.** This Part must be submitted to the legal voters of the State at

1 a statewide election held in the month of November following passage of this Act. The
2 municipal officers of this State shall notify the inhabitants of their respective cities, towns
3 and plantations to meet, in the manner prescribed by law for holding a statewide election,
4 to vote on the acceptance or rejection of this Part by voting on the following question:

5 "Do you favor an \$80,000,000 bond issue to invest in state parks and
6 historic sites, land conservation, water access, wildlife and fish habitat,
7 outdoor recreation opportunities, including hunting and fishing, working
8 farmlands and working waterfronts to be matched by at least \$60,000,000
9 in private and public contributions?"

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

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

21 PART B

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

23 **1-B. Community conservation project.** "Community conservation project" means a
24 conservation project of local or regional significance that promotes one or more of the
25 following: public outdoor recreational access to lands and waters, including for
26 underserved populations; public health; connections between conservation lands and
27 population centers; local or regional agriculture; conservation of cultural and historical
28 resources on undeveloped lands; protection of lakes, rivers or streams; conservation of fish
29 or wildlife habitat; protection of public drinking water supplies; conservation of community
30 forests; local economic development; opportunities for environmental learning;
31 nonmotorized transportation options; or other priorities as determined by the board.

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

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

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

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

