

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FOUR

—
H.P. 728 - L.D. 1156

**An Act to Authorize a General Fund Bond Issue to Promote the Design,
Development and Maintenance of Trails for Outdoor Recreation and Active
Transportation**

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 \$30,000,000 for the purposes described in section 5 of this Act. 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 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 under the direction and supervision of the agencies and entities set forth in this section.

DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY

Bureau of Parks and Lands

Provides funds for a program, to be known as the Maine Trails Program, in order to leverage at least \$3,000,000 in matching contributions from public and private sources to be used for the design, development and maintenance of nonmotorized, motorized and multi-use trails statewide. No more than \$7,500,000 may be expended in the first year by the Bureau of Parks and Lands and no more than \$7,500,000 may be expended by the Bureau of Parks and Lands in each of the 3 subsequent years, except that any unused balance may be added to the specified amount in subsequent years.

Total \$30,000,000

Sec. 6. Disbursement of bond proceeds. The proceeds of the bonds for the program as set out in section 5 must be expended by the Department of Agriculture, Conservation and Forestry for design, development and maintenance of nonmotorized, motorized and multi-use trails, trailheads and trailside amenities statewide in accordance with the following requirements:

1. Funds must be awarded by a competitive grant process to municipalities; other qualified subdivisions of State Government, including executive branch departments and agencies; and nonprofit organizations.

2. Approximately 25% of the funds must be expended in support of nonmotorized trails, 25% in support of motorized trails and 50% in support of multi-use trails used for recreation or active transportation;

3. Priority must be given to projects that follow sustainable design standards and incorporate accessibility and inclusive design standards;

4. Projects must demonstrate access to at least 10% matching contributions, which may include the value of project-related, in-kind contributions of goods and services to and by cooperating entities;

5. Trails funded in whole or in part by this program must be publicized for public use. Trails on private property must have use agreements for the longest period practicable that are mutually agreed upon by the landowner and trail stewards; and

6. Projects must demonstrate support from entities such as state agencies, municipalities, nonprofit organizations, trail user groups, businesses and the public.

Proposed projects may include requests to fund road maintenance to ensure trail access, as well as funding to ensure public access through acquisition of easements or fee simple title, although these are not primary purposes of the bond funds.

Funding from this program may not be used to dismantle state-owned tracks and ties for nonrail use except as provided for in the Maine Revised Statutes, Title 23, section 7107.

Funding from this program may be used as match for federal grant programs related to outdoor recreation, including but not limited to the land and water conservation fund established pursuant to the federal Land and Water Conservation Fund Act of 1965 and the federal recreational trails program, administered in the State by the Department of

Agriculture, Conservation and Forestry, Bureau of Parks and Lands. In such cases, the bond requirement for local match may be waived.

Up to 3% of funding per annum may be used by the Department of Agriculture, Conservation and Forestry to administer this program.

Up to 1% of funding per annum may be awarded as planning grants to aid local project partners in developing sustainable trail plans for future development and renovation projects.

The Department of Agriculture, Conservation and Forestry shall work with the Department of Transportation in evaluating and making grant decisions on proposals that would advance the Department of Transportation's statewide active transportation plan.

The Department of Agriculture, Conservation and Forestry shall work with the Department of Economic and Community Development, municipalities, nonprofit organizations and other entities to promote awareness, use and maintenance of publicly accessible trails funded pursuant to the competitive grant process to enhance their economic, public health and user benefits.

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 \$30,000,000 bond issue to invest in the design, development and maintenance for nonmotorized, motorized and multi-use trails statewide, to be matched by at least \$3,000,000 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. 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.