



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 184

S.P. 88

In Senate, January 13, 2023

**An Act to Provide for the 2023 and 2024 Allocations of the State
Ceiling on Private Activity Bonds**

(EMERGENCY)

Submitted by the Finance Authority of Maine pursuant to Joint Rule 204.
Reference to the Committee on Innovation, Development, Economic Advancement and
Business 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 DAUGHTRY of Cumberland.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** the Maine Revised Statutes, Title 10, section 363 and Private and Special
4 Law 2021, chapter 14 make a partial allocation of the state ceiling on private activity bonds
5 to some issuers for calendar year 2023 but leave a portion of the state ceiling unallocated
6 and do not provide sufficient allocations for certain types of private activity bonds that may
7 require an allocation prior to the effective date of this Act if it is not enacted on an
8 emergency basis; and

9 **Whereas,** if these bond issues must be delayed due to the lack of available state
10 ceiling, the rates and terms under which these bonds may be issued may be adversely
11 affected, resulting in increased costs to beneficiaries or even unavailability of financing for
12 certain projects; and

13 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
14 the meaning of the Constitution of Maine and require the following legislation as
15 immediately necessary for the preservation of the public peace, health and safety; now,
16 therefore,

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

18 **Sec. 1. Allocation to the Treasurer of State.** The \$5,000,000 of the state ceiling
19 on private activity bonds for calendar year 2023 previously allocated to the Treasurer of
20 State remains allocated to the Treasurer of State to be used or reallocated in accordance
21 with the Maine Revised Statutes, Title 10, section 363, subsection 5 for calendar year 2023.
22 Five million dollars of the state ceiling for calendar year 2024 is allocated to the Treasurer
23 of State to be used or reallocated in accordance with Title 10, section 363, subsection 5.

24 **Sec. 2. Allocation to the Finance Authority of Maine.** The \$100,000,000 of
25 the state ceiling on private activity bonds for calendar year 2023 previously allocated to the
26 Finance Authority of Maine remains allocated to the Finance Authority of Maine to be used
27 or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363,
28 subsection 6 for calendar year 2023. An additional \$50,000,000 of the state ceiling on
29 private activity bonds for calendar year 2023, previously unallocated, is allocated to the
30 Finance Authority of Maine to be used or reallocated in accordance with Title 10, section
31 363, subsection 6. One hundred million dollars of the state ceiling for calendar year 2024
32 is allocated to the Finance Authority of Maine to be used or reallocated in accordance with
33 Title 10, section 363, subsection 6.

34 **Sec. 3. Allocation to the Maine Municipal Bond Bank.** The \$10,000,000 of
35 the state ceiling on private activity bonds for calendar year 2023 previously allocated to the
36 Maine Municipal Bond Bank remains allocated to the Maine Municipal Bond Bank to be
37 used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363,
38 subsection 7 for calendar year 2023. Ten million dollars of the state ceiling for calendar
39 year 2024 is allocated to the Maine Municipal Bond Bank to be used or reallocated in
40 accordance with Title 10, section 363, subsection 7.

41 **Sec. 4. Allocation to the Finance Authority of Maine as successor to the**
42 **Maine Educational Loan Authority.** The \$15,000,000 of the state ceiling on private
43 activity bonds for calendar year 2023 previously allocated to the Finance Authority of

1 Maine as successor to the Maine Educational Loan Authority remains allocated to the
2 Finance Authority of Maine to be used or reallocated in accordance with the Maine Revised
3 Statutes, Title 10, section 363, subsection 8 for calendar year 2023. An additional
4 \$15,000,000 of the state ceiling on private activity bonds for calendar year 2023, previously
5 unallocated, is allocated to the Finance Authority of Maine to be used or reallocated in
6 accordance with Title 10, section 363, subsection 8. Twenty million dollars of the state
7 ceiling for calendar year 2024 is allocated to the Finance Authority of Maine to be used or
8 reallocated in accordance with Title 10, section 363, subsection 8.

9 **Sec. 5. Allocation to the Maine State Housing Authority.** The \$50,000,000 of
10 the state ceiling on private activity bonds for calendar year 2023 previously allocated to the
11 Maine State Housing Authority remains allocated to the Maine State Housing Authority to
12 be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363,
13 subsection 4 for calendar year 2023. Fifty million dollars of the state ceiling for calendar
14 year 2024 is allocated to the Maine State Housing Authority to be used or reallocated in
15 accordance with Title 10, section 363, subsection 4.

16 **Sec. 6. Unallocated state ceiling.** Ninety million one hundred fifteen thousand
17 dollars of the state ceiling on private activity bonds for calendar year 2023 is unallocated
18 and must be reserved for future allocation in accordance with applicable laws. One hundred
19 fifty million one hundred fifteen thousand dollars of the state ceiling for calendar year 2024
20 is unallocated and must be reserved for future allocation in accordance with applicable
21 laws.

22 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
23 takes effect when approved.

24 SUMMARY

25 This bill establishes the allocations of the state ceiling on issuance of tax-exempt
26 private activity bonds for calendar years 2023 and 2024 among the state-level issuers of
27 tax-exempt bonds.