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An Act To Authorize a General Fund Bond Issue for Land Conservation, Water Access, Outdoor Recreation, Wildlife and Fish Habitats and Farmland and Working Waterfront Preservation

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 \$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.

Sec. A-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. 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 project in this Part lapse to the Office of the Treasurer of State to be used for the retirement of general obligation 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 Agriculture, Conservation and Forestry.

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 Department of Agriculture, Conservation and Forestry for acquisition of land and interest in land for conservation, water access, outdoor recreation, wildlife or fish habitat, working 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 Public Law 2005, chapter 462, Part B, section 6, 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 preservation projects and working farmland preservation projects.

B. Payment from bond proceeds for acquisitions of land or interest in land for community conservation projects as defined in the Maine Revised Statutes, Title 5, section 6201, subsection 1-B 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 Part.

C. The bond funds expended for conservation, recreation, working waterfronts, working farmland, community conservation projects and water access must be matched with at least \$20,000,000 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. Because of changing climate conditions, projects that address climate change, resiliency and mitigation strategies that benefit natural ecosystems, wildlife and working waterfronts and farmland to adapt must be given special consideration by the Land for Maine's Future Board.

E. 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.

2. 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 the Maine Revised Statutes, Title 5, chapter 353. The Department of Agriculture, Conservation and Forestry and the Department of Inland Fisheries and Wildlife shall take a proactive approach to pursuing land conservation projects that include conservation of priority deer wintering areas, except for working waterfront preservation projects and working farmland preservation projects. Priority deer wintering areas are of at least 500 acres or contiguous with existing conservation land so that the combined acreage constitutes at least 500 acres, have been historically used by deer at some point since 1950 and are capable of providing shelter for deer on the effective date of this Part or within 20 years. The Department of Inland Fisheries and Wildlife shall include in conservation negotiations under this section provisions for the appropriate management of priority deer wintering areas. Land and interest in land purchased by the State that contain priority deer wintering areas must be managed using protocol provided by the Department of Inland Fisheries and Wildlife.

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

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

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

Sec. A-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.

**AGRICULTURE, CONSERVATION AND
FORESTRY, DEPARTMENT OF**

Land for Maine's Future Board

Provides funds in order to leverage \$20,000,000 in matching contributions from public and private sources to be used for the acquisition of land and interest in land for conservation; water access; wildlife or fish habitat, including deer wintering areas; outdoor recreation, including hunting and fishing; and working farmland preservation and working waterfront preservation. No more than \$10,000,000 may be issued in the first year by the Land for Maine's Future Board and no more than \$10,000,000 may be issued by the Land for Maine's Future Board in the subsequent years, except that any unused balance may be added to the specified amount in subsequent years.

Total \$20,000,000

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

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

Sec. A-10. Referendum for ratification; submission at election; form of question; effective date. This Part 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 Part by voting on the following question:

"Do you favor a \$20,000,000 bond issue to invest in land conservation to protect drinking water, lakes, ponds and rivers, fish and wildlife habitats and beaches and coastal areas; to support working farms, forests, working waterfronts and Maine's natural resource-based economy; to conserve land for outdoor recreation, including for hunting, fishing, camping, birding and wildlife watching; to be matched by at least \$20,000,000 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 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. 5 MRSA §6201, sub-§1-B is enacted to read:

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

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

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

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

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

Sec. B-4. 5 MRSA §6207, sub-§3, as amended by PL 2011, c. 381, §1, is further amended to read:

3. Priorities. Whenever possible, the Land for Maine's Future Fund and the Public Access to Maine Waters Fund must be used for land acquisition projects when matching funds are available from cooperating entities, as long as the proposed acquisition meets all other criteria set forth in this chapter. For acquisitions funded by the Land for Maine's Future Fund, the board shall give priority to projects that conserve lands with multiple outstanding resource or recreation values or a single exceptional value, conserve and protect deer wintering areas, help the State's natural ecosystems, wildlife and natural resource-based economies adapt to a changing climate, provide geographic representation and build upon or connect existing holdings.

When acquiring land or interest in land, the board shall examine public vehicular access rights to the land and, whenever possible and appropriate, acquire guaranteed public vehicular access as part of the acquisition.

Sec. B-5. Contingent effective date. This Part takes effect only if the General Fund bond issue proposed in Part A is approved by the voters of this State.

SUMMARY

Part A provides a bond issue, in the amount of \$20,000,000, to be used for the acquisition of land and interest in land for conservation; water access; wildlife or fish habitat, including deer wintering areas; outdoor recreation, including hunting and fishing; and working farmland preservation and working waterfront preservation.

Part B allows proceeds of the Land for Maine's Future Fund to be spent on property that is determined by the Land for Maine's Future Board to be for a community conservation project, defines "community conservation project," amends the definition of "cooperating entities" and sets helping the State's natural ecosystems, wildlife and natural resource-based economies adapt to a changing climate as a priority of the board in making land acquisitions.

FISCAL NOTE REQUIRED
(See attached)