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No. 1702

H.P. 1265

House of Representatives, May 13, 2021

**An Act To Authorize General Fund Bond Issues To Improve
Transportation and National Guard Infrastructure and To Promote
the Conservation of Land, Working Waterfronts, Water Access and
Outdoor Recreation**

Received by the Clerk of the House on May 11, 2021. Referred to the Committee on Appropriations and Financial Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative PIERCE of Falmouth. (GOVERNOR'S BILL)

1 of the successful bidder to whom sold, the amount received for the bond, the date of sale
2 and the date when payable.

3 **Sec. B-3. Sale; how negotiated; proceeds appropriated.** The Treasurer of State
4 may negotiate the sale of the bonds by direction of the Governor, but no bond may be
5 loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the
6 bonds, which must be held by the Treasurer of State and paid by the Treasurer of State
7 upon warrants drawn by the State Controller, are appropriated solely for the purposes set
8 forth in this Part. Any unencumbered balances remaining at the completion of the project
9 in this Part lapse to the Office of the Treasurer of State to be used for the retirement of
10 general obligation bonds.

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

14 **Sec. B-5. Disbursement of bond proceeds.** The proceeds of the bonds must be
15 expended as set out in this Part under the direction and supervision of the Department of
16 Agriculture, Conservation and Forestry.

17 1. The proceeds of the bonds for the Land for Maine's Future Board as set out in section
18 6 must be expended by the Department of Agriculture, Conservation and Forestry for
19 acquisition of land and interest in land for conservation, water access, outdoor recreation,
20 wildlife and fish habitat, working farmland preservation in accordance with the provisions
21 for such acquisitions under the Maine Revised Statutes, Title 5, chapter 353 and working
22 waterfront protection in accordance with the terms of Public Law 2005, chapter 462, Part
23 B, section 6, including all costs associated with such acquisitions, except that use of the
24 proceeds of these bonds is subject to the following conditions and requirements.

25 A. Hunting, fishing, trapping and public access may not be prohibited on land acquired
26 with bond proceeds, except to the extent applicable state, local or federal laws, rules
27 and regulations apply and except for working waterfront projects and working
28 farmland preservation projects.

29 B. Payment from bond proceeds for acquisitions for community conservation projects
30 as defined in Title 5, section 6201, subsection 1-B may be made directly to cooperating
31 entities as defined in Title 5, section 6201, subsection 2 for acquisition of land and
32 interest in land by cooperating entities, subject to terms and conditions enforceable by
33 the State to ensure its use for the purposes of this Part. In addition to the considerations
34 required under Title 5, chapter 353, the Land for Maine's Future Board shall give a
35 preference to acquisitions under this paragraph that achieve benefits for multiple towns
36 and that address regional conservation needs including public recreational access,
37 wildlife, open space and farmland.

38 C. The bond funds expended for conservation, recreation, working waterfronts,
39 working farmland, community conservation projects and water access must be matched
40 with at least \$40,000,000 in public and private contributions. Seventy percent of that
41 amount must be in the form of cash or other tangible assets, including the value of land
42 and real property interest acquired by or contributed to cooperating entities as defined
43 in Title 5, section 6201, subsection 2 when property interests have a direct relationship
44 to the property proposed for protection, as determined by the Land for Maine's Future
45 Board. The remaining 30% may be matching contributions and may include the value

1 of project-related, in-kind contributions of goods and services to and by cooperating
2 entities.

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

6 2. The Department of Inland Fisheries and Wildlife shall take a proactive approach to
7 pursuing land conservation projects that include conservation of deer wintering areas
8 determined to be important under the Maine Revised Statutes, Title 5, section 6207,
9 subsection 2, paragraph E.

10 3. Of the bond proceeds allocated to the Land for Maine's Future Board as set out in
11 section 6, at least 5% must be made available to acquire public access to water in
12 accordance with the Maine Revised Statutes, Title 5, section 6203-A.

13 4. Of the bond proceeds allocated to the Land for Maine's Future Board as set out in
14 section 6, at least 10% must be made available to protect farmland in accordance with the
15 Maine Revised Statutes, Title 5, section 6207.

16 5. Of the bond proceeds allocated to the Land for Maine's Future Board as set out in
17 section 6, at least 10% must be made available to protect working waterfront properties in
18 accordance with Public Law 2005, chapter 462, Part B, section 6.

19 **Sec. B-6. Disbursement of bond proceeds from General Fund bond issue.**
20 The proceeds of the sale of the bonds authorized under this Part must be expended as
21 designated in the following schedule.

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

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

24 Provides funds in order to leverage \$40,000,000 in matching contributions from public
25 and private sources to be used for the acquisition of land and interest in land for
26 conservation; water access; wildlife and fish habitat, including deer wintering areas;
27 outdoor recreation, including hunting and fishing; and working farmland preservation
28 and working waterfront preservation. No more than \$10,000,000 may be issued in the
29 first year by the Land for Maine's Future Board and no more than \$10,000,000 may be
30 issued by the Land for Maine's Future Board in each of the 3 subsequent years, except
31 that any unused balance may be added to the specified amount in subsequent years.

32 Total \$40,000,000

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

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

41 **Sec. B-9. Bonds authorized but not issued.** Any bonds authorized but not issued
42 within 5 years of ratification of this Part are deauthorized and may not be issued, except

1 that the Legislature may, within 2 years after the expiration of that 5-year period, extend
2 the period for issuing any remaining unissued bonds for an additional amount of time not
3 to exceed 5 years.

4 **Sec. B-10. Referendum for ratification; submission at election; form of**
5 **question; effective date.** This Part must be submitted to the legal voters of the State at
6 a statewide election held in the month of November following passage of this Act. The
7 municipal officers of this State shall notify the inhabitants of their respective cities, towns
8 and plantations to meet, in the manner prescribed by law for holding a statewide election,
9 to vote on the acceptance or rejection of this Part by voting on the following question:

10 "Do you favor a \$40,000,000 bond issue to invest in land conservation,
11 water access, wildlife and fish habitat, outdoor recreation opportunities,
12 including hunting and fishing, working farmlands and working
13 waterfronts, to be matched by at least \$40,000,000 in private and public
14 contributions?"

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

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

26 PART C

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

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

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

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

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

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

6 **Sec. C-4. 5 MRSA §6203, sub-§3, ¶C**, as amended by PL 2021, c. 33, §1, is further
7 amended to read:

8 C. When interest in farmland is acquired with proceeds from the Land for Maine's
9 Future Fund, fund the development of a business plan and capital improvements to
10 provide for the land's continuing use as a working farm, as long as these improvements
11 do not exceed 5% of the appraised value of the acquired property. Capital
12 improvements under this paragraph may also be made on adjoining farmland in the
13 same ownership or under the same management; ~~and~~

14 **Sec. C-5. 5 MRSA §6203, sub-§3, ¶D**, as enacted by PL 2021, c. 33, §1, is
15 amended to read:

16 D. When land or interest in land is acquired with proceeds from the Land for Maine's
17 Future Fund, fund minor capital investments in the stewardship and management of
18 that land. Stewardship and management investments under this paragraph must be held
19 in a dedicated stewardship endowment and identified for use on the funded property.
20 Stewardship and management investments may not exceed 5% of the appraised value
21 of the acquired property; ~~and~~

22 **Sec. C-6. 5 MRSA §6203, sub-§3, ¶E** is enacted to read:

23 E. When an interest in a deer wintering area determined to be important under section
24 6207, subsection 2, paragraph E is acquired with proceeds from the Land for Maine's
25 Future Fund, fund the development of a management plan to provide for the land's
26 continuing function as a deer wintering area, as long as the cost of this plan does not
27 exceed 5% of the appraised value of the acquired property. Development of a
28 management plan under this paragraph may also be made on adjoining deer wintering
29 areas in the same ownership or under the same management.

30 **Sec. C-7. 5 MRSA §6207, sub-§2, ¶E** is enacted to read:

31 E. Provides wintering habitat for deer in areas determined by the Department of Inland
32 Fisheries and Wildlife to be important for conserving deer in northern, eastern and
33 western areas of the State.

34 **Sec. C-8. 5 MRSA §6207, sub-§3**, as amended by PL 2011, c. 381, §1, is further
35 amended to read:

36 **3. Priorities.** Whenever possible, the Land for Maine's Future Fund and the Public
37 Access to Maine Waters Fund must be used for land acquisition projects when matching
38 funds are available from cooperating entities, as long as the proposed acquisition meets all
39 other criteria set forth in this chapter. For acquisitions funded by the Land for Maine's
40 Future Fund, the board shall give priority to projects that conserve lands with multiple
41 outstanding resource or recreation values or a single exceptional value; ~~conserve and~~
42 protect deer wintering areas; help the State's natural ecosystems, wildlife and natural

1 resources-based economies adapt to a changing climate; provide geographic representation;
2 and build upon or connect existing holdings.

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

6 **Sec. C-9. 5 MRSA §6207, sub-§3-A** is enacted to read:

7 **3-A. Deer wintering areas.** The board shall give preferential consideration to projects
8 that conserve lands that have been determined by the Department of Inland Fisheries and
9 Wildlife to be important for conserving deer in northern, eastern and western areas of the
10 State. If acquired with proceeds from the Land for Maine's Future Fund, these lands must
11 be owned by the Department of Inland Fisheries and Wildlife and managed as wildlife
12 management areas, with deer conservation as the highest management priority.

13 **Sec. C-10. Contingent effective date.** This Part takes effect only if the General
14 Fund bond issue proposed in Part B is approved by the voters of this State.

15 **PART D**

16 **Sec. D-1. Authorization of bonds.** The Treasurer of State is authorized, under the
17 direction of the Governor, to issue bonds in the name and on behalf of the State in an
18 amount not exceeding \$6,800,000 for the purposes described in section 5 of this Part. The
19 bonds are a pledge of the full faith and credit of the State. The bonds may not run for a
20 period longer than 10 years from the date of the original issue of the bonds.

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

25 **Sec. D-3. Sale; how negotiated; proceeds appropriated.** The Treasurer of
26 State may negotiate the sale of the bonds by direction of the Governor, but no bond may
27 be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the
28 bonds, which must be held by the Treasurer of State and paid by the Treasurer of State
29 upon warrants drawn by the State Controller, are appropriated solely for the purposes set
30 forth in this Part. Any unencumbered balances remaining at the completion of the project
31 in this Part lapse to the Office of the Treasurer of State to be used for the retirement of
32 general obligation bonds.

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

36 **Sec. D-5. Disbursement of bond proceeds from General Fund bond issue.**
37 The proceeds of the sale of the bonds authorized under this Part must be expended as
38 designated in the following schedule under the direction and supervision of the agencies
39 and entities set forth in this section.

40 **DEPARTMENT OF DEFENSE, VETERANS AND EMERGENCY**
41 **MANAGEMENT**

1 Provides funds for the State's share of maintenance, repair, capital improvement,
2 modernization and energy efficiency projects for Maine National Guard readiness
3 centers and support facilities.

4 Total \$6,800,000

5 **Sec. D-6. Contingent upon ratification of bond issue.** Sections 1 to 5 do not
6 become effective unless the people of the State ratify the issuance of the bonds as set forth
7 in this Part.

8 **Sec. D-7. Appropriation balances at year-end.** At the end of each fiscal year,
9 all unencumbered appropriation balances representing state money carry forward. Bond
10 proceeds that have not been expended within 10 years after the date of the sale of the bonds
11 lapse to the Office of the Treasurer of State to be used for the retirement of general
12 obligation bonds.

13 **Sec. D-8. Bonds authorized but not issued.** Any bonds authorized but not issued
14 within 5 years of ratification of this Part are deauthorized and may not be issued, except
15 that the Legislature may, within 2 years after the expiration of that 5-year period, extend
16 the period for issuing any remaining unissued bonds for an additional amount of time not
17 to exceed 5 years.

18 **Sec. D-9. Referendum for ratification; submission at election; form of**
19 **question; effective date.** This Part must be submitted to the legal voters of the State at
20 a statewide election held in the month of November following passage of this Act. The
21 municipal officers of this State shall notify the inhabitants of their respective cities, towns
22 and plantations to meet, in the manner prescribed by law for holding a statewide election,
23 to vote on the acceptance or rejection of this Part by voting on the following question:

24 "Do you favor a \$6,800,000 bond issue to provide funds for the State's
25 share of maintenance, repair, capital improvement, modernization and
26 energy efficiency projects for Maine National Guard readiness centers and
27 support facilities, to be used to match an estimated \$7,600,000 in federal
28 funds?"

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

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

40 **SUMMARY**

41 This bill does the following.

1 Part A provides a bond issue, in the amount of \$100,000,000, for the Department of
2 Transportation to support its ongoing capital programs to preserve, improve and construct
3 roads, bridges, railroads, airports, transit and ports.

4 Part B provides a bond issue, in the amount of \$40,000,000, that will be used to provide
5 funds for the Department of Agriculture, Conservation and Forestry, Land for Maine's
6 Future Board.

7 Part C allows proceeds of the Land for Maine's Future Fund to be spent on property
8 that is determined by the Land for Maine's Future Board to be for a community
9 conservation project. It defines "community conservation project" and amends the
10 definition of "cooperating entities." It also provides that helping the State's natural
11 ecosystems, wildlife and natural resources-based economies adapt to a changing climate is
12 a priority of the board in making land acquisitions.

13 Part D provides a bond issue, in the amount of \$6,800,000, that will be used to provide
14 funds for the State's share of maintenance, repair, capital improvement, modernization and
15 energy efficiency projects for Maine National Guard readiness centers and support
16 facilities, to be used to match an estimated \$7,600,000 in federal funds.