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Date: (Filing No. S-)

APPROPRIATIONS AND FINANCIAL AFFAIRS

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**STATE OF MAINE
SENATE
128TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 543, L.D. 1552, Bill, “An Act To Authorize Multiple General Fund Bond Issues To Improve Highways, Bridges and Multimodal Facilities”

Amend the bill by striking out the title and substituting the following:

'An Act To Authorize a General Fund Bond Issue To Improve Highways, Bridges and Multimodal Facilities and Upgrade Municipal Culverts'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'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 \$105,000,000 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.

COMMITTEE AMENDMENT

1 **Sec. 5. Disbursement of bond proceeds from General Fund bond issue.**
2 The proceeds of the sale of the bonds authorized under this Act must be expended as
3 designated in the following schedule under the direction and supervision of the agencies
4 and entities set forth in this section.

5 **TRANSPORTATION, DEPARTMENT**
6 **OF**

7 Provides funds to construct, reconstruct or rehabilitate Priority 1, Priority 2 and
8 Priority 3 state highways under the Maine Revised Statutes, Title 23, section 73,
9 subsection 7 and for associated improvements, for the department's municipal
10 partnership initiative and to replace and rehabilitate bridges.

11 Total \$80,000,000

12 Provides funds for facilities or equipment, including property acquisition, related to
13 ports, harbors, marine transportation, aviation, freight and passenger railroads, transit
14 and bicycle and pedestrian trails that preserve public safety or otherwise have
15 demonstrated high economic value.

16 Total \$20,000,000

17 **ENVIRONMENTAL PROTECTION,**
18 **DEPARTMENT OF**

19 Provides funds for a competitive grant program that matches local funding for the
20 upgrade of municipal culverts at stream crossings in order to improve fish and
21 wildlife habitats and increase community safety. Eligible project sponsors include
22 local governments, municipal conservation commissions, soil and water conservation
23 districts and private nonprofit organizations. A proposal for funding from an eligible
24 project sponsor must include a map and summary of the proposed project, describing
25 how it meets the following criteria:

26 1. Contribution to competitive grant program goals. The extent to which the
27 proposed project allows communities to more effectively prepare for storm and flood
28 events and advances the goals of restoring habitat for fish, including sea-run fish and
29 native brook trout, and wildlife, including:

30 A. The priority status of the culvert to be upgraded or replaced for native brook trout
31 and sea-run fish restoration, based on available stream survey data, statewide
32 prioritization for aquatic connectivity and presence in priority watersheds of salmon,
33 alewives and other diadromous fishes;

34 B. Confirmation that the culvert proposed for upgrade or replacement is on a
35 municipal road, not a state road or private road;

1 C. The extent to which the proposed project meets the Department of Environmental
2 Protection's design standard of at least 1.2 times the stream's bankfull width, with a
3 natural stream bottom or embedded structure, and meets or exceeds the Department
4 of Transportation's 100-year flood standard;

5 D. The degree of urgency of the proposed project, including whether a culvert is at
6 high risk of failure due to age, location within a watershed or reach with high flood
7 risk or severe flood history; and

8 E. The expected contribution to reducing the frequency or severity of flooding to
9 upstream and downstream communities and improving storm water management
10 within the proposed project area; and

11 2. Cost-effectiveness. The extent to which the proposed project represents an
12 efficient and cost-effective investment, including the proportion of total project funding
13 that will be provided from other sources and the potential avoided costs associated with
14 the proposed project. Funds may not be used to cover all of the costs associated with a
15 proposed project.

16 Total \$5,000,000

17 **Sec. 6. Contingent upon ratification of bond issue.** Sections 1 to 5 do not
18 become effective unless the people of the State ratify the issuance of the bonds as set
19 forth in this Act.

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

25 **Sec. 8. Bonds authorized but not issued.** Any bonds authorized but not issued
26 within 5 years of ratification of this Act are deauthorized and may not be issued, except
27 that the Legislature may, within 2 years after the expiration of that 5-year period, extend
28 the period for issuing any remaining unissued bonds for an additional amount of time not
29 to exceed 5 years.

30 **Sec. 9. Referendum for ratification; submission at election; form of**
31 **question; effective date.** This Act must be submitted to the legal voters of the State at
32 a statewide election held in the month of November 2017. The municipal officers of this
33 State shall notify the inhabitants of their respective cities, towns and plantations to meet,
34 in the manner prescribed by law for holding a statewide election, to vote on the
35 acceptance or rejection of this Act by voting on the following question:

36 "Do you favor a \$105,000,000 bond issue for construction, reconstruction
37 and rehabilitation of highways and bridges and for facilities or equipment
38 related to ports, harbors, marine transportation, freight and passenger
39 railroads, aviation, transit and bicycle and pedestrian trails, to be used to
40 match an estimated \$137,000,000 in federal and other funds, and for the
41 upgrade of municipal culverts at stream crossings?"

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

9 The Secretary of State shall prepare and furnish to each city, town and plantation all
10 ballots, returns and copies of this Act necessary to carry out the purposes of this
11 referendum.'

12 **SUMMARY**

13 This amendment changes the amount of funds provided by the bond issue to
14 \$105,000,000 in fiscal year 2017 and adds funds for a competitive grant program that
15 matches local funding for the upgrade of municipal culverts at stream crossings. The
16 amendment removes Part B of the bill.

17 **FISCAL NOTE REQUIRED**

18 **(See attached)**