



130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 687

H.P. 499

House of Representatives, March 4, 2021

**An Act To Authorize a General Fund Bond Issue To Promote the
Conservation of Land, Working Waterfronts, Water Access and
Outdoor Recreation**

Received by the Clerk of the House on March 2, 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 "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative COREY of Windham.
Cosponsored by Senator BREEN of Cumberland and
Representatives: HALL of Wilton, KINNEY of Knox, MILLETT of Waterford, MORRIS of
Turner, ROCHE of Wells, THORNE of Carmel, Senator: BENNETT of Oxford.

1 **Preamble.** Two thirds of both Houses of the Legislature deeming it necessary in
2 accordance with the Constitution of Maine, Article IX, Section 14 to authorize the issuance
3 of bonds on behalf of the State of Maine to provide funds as described in this Act,

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

5 **PART A**

6 **Sec. A-1. Authorization of bonds.** The Treasurer of State is authorized, under the
7 direction of the Governor, to issue bonds in the name and on behalf of the State in an
8 amount not exceeding \$35,000,000 for the purposes described in section 6 of this Part. The
9 bonds are a pledge of the full faith and credit of the State. The bonds may not run for a
10 period longer than 10 years from the date of the original issue of the bonds.

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

15 **Sec. A-3. Sale; how negotiated; proceeds appropriated.** The Treasurer of
16 State may negotiate the sale of the bonds by direction of the Governor, but no bond may
17 be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the
18 bonds, which must be held by the Treasurer of State and paid by the Treasurer of State
19 upon warrants drawn by the State Controller, are appropriated solely for the purposes set
20 forth in this Part. Any unencumbered balances remaining at the completion of the project
21 in this Part lapse to the Office of the Treasurer of State to be used for the retirement of
22 general obligation bonds.

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

26 **Sec. A-5. Disbursement of bond proceeds.** The proceeds of the bonds must be
27 expended as set out in this Part under the direction and supervision of the Department of
28 Agriculture, Conservation and Forestry.

29 1. The proceeds of the bonds for the Land for Maine's Future Board as set out in section
30 6 must be expended by the Department of Agriculture, Conservation and Forestry for
31 acquisition of land and interest in land for conservation, water access, outdoor recreation,
32 wildlife and fish habitat, working farmland preservation in accordance with the provisions
33 for such acquisitions under the Maine Revised Statutes, Title 5, chapter 353 and working
34 waterfront protection in accordance with the terms of Public Law 2005, chapter 462, Part
35 B, section 6, including all costs associated with such acquisitions, except that use of the
36 proceeds of these bonds is subject to the following conditions and requirements.

37 A. Hunting, fishing, trapping and public access may not be prohibited on land acquired
38 with bond proceeds, except to the extent of applicable state, local or federal laws, rules
39 and regulations and except for working waterfront projects and working farmland
40 preservation projects.

41 B. Payment from bond proceeds for acquisitions of local or regional significance, as
42 determined by the Land for Maine's Future Board, may be made directly to cooperating
43 entities as defined in Title 5, section 6201, subsection 2 for acquisition of land and

1 interest in land by cooperating entities, subject to terms and conditions enforceable by
2 the State to ensure its use for the purposes of this Part. In addition to the considerations
3 required under Title 5, chapter 353, the board shall give a preference to acquisitions
4 under this paragraph that achieve benefits for multiple towns and that address regional
5 conservation needs including public recreational access, wildlife, open space and
6 farmland.

7 C. The bond funds expended for conservation, recreation, working waterfronts,
8 working farmland and water access must be matched with at least \$30,000,000 in
9 public and private contributions. Seventy percent of that amount must be in the form
10 of cash or other tangible assets, including the value of land and real property interest
11 acquired by or contributed to cooperating entities, as defined in Title 5, section 6201,
12 subsection 2, when property interests have a direct relationship to the property
13 proposed for protection, as determined by the Land for Maine's Future Board. The
14 remaining 30% may be matching contributions and may include the value of project-
15 related, in-kind contributions of goods and services to and by cooperating entities.

16 D. Because portions of the State have deer populations that are struggling and deer
17 wintering habitat protection is vital to the survival and enhancement of these
18 populations, projects that conserve and protect deer wintering areas are considered to
19 have special value and must receive preferential consideration during scoring of new
20 applications for support under Title 5, chapter 353.

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

24 2. The Department of Agriculture, Conservation and Forestry and the Department of
25 Inland Fisheries and Wildlife shall take a proactive approach to pursuing land conservation
26 projects that include conservation of priority deer wintering areas. In order to be subject
27 to this designation, priority deer wintering areas must be of at least 500 acres or contiguous
28 with existing conservation land so that the combined acreage constitutes at least 500 acres,
29 must have been historically used by deer at some point since 1950 and must be capable of
30 providing shelter for deer on the effective date of this Part or within 20 years of the effective
31 date of this Part. The Department of Inland Fisheries and Wildlife shall include in
32 conservation negotiations under this section provisions for the appropriate management of
33 priority deer wintering areas. Land and interest in land purchased by the State that contains
34 priority deer wintering areas must be managed using protocol provided by the Department
35 of Inland Fisheries and Wildlife.

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

39 4. Of the bond proceeds allocated to the Land for Maine's Future Board as set out in
40 section 6, at least 10% must be made available to protect farmland in accordance with Title
41 5, section 6207.

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

1 **Sec. A-6. Disbursement of bond proceeds from General Fund bond issue.**
2 The proceeds of the sale of the bonds authorized under this Part must be expended as
3 designated in the following schedule.

4 **AGRICULTURE, CONSERVATION AND FORESTRY,**

5 **DEPARTMENT OF**

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

7 Provides funds in order to leverage \$30,000,000 in matching contributions from public
8 and private sources to be used for the acquisition of land and interest in land for
9 conservation; water access; wildlife and fish habitat, including deer wintering areas;
10 outdoor recreation, including hunting and fishing; and working farmland preservation
11 and working waterfront preservation. No more than \$10,000,000 may be issued in the
12 first year by the Land for Maine's Future Board and no more than \$10,000,000 may be
13 issued by the Land for Maine's Future Board in each of the 2 subsequent years, except
14 that any unused balance may be added to the specified amount in subsequent years.

15 Total \$30,000,000

16 **Bureau of Parks and Lands**

17 Provides funds to make necessary capital improvements in the State's parks and historic
18 sites.

19 Total \$5,000,000

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

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

28 **Sec. A-9. Bonds authorized but not issued.** Any bonds authorized but not issued
29 within 5 years of ratification of this Part are deauthorized and may not be issued, except
30 that the Legislature may, within 2 years after the expiration of that 5-year period, extend
31 the period for issuing any remaining unissued bonds for an additional amount of time not
32 to exceed 5 years.

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

39 "Do you favor a \$35,000,000 bond issue to invest in state parks and historic
40 sites, land conservation, water access, wildlife and fish habitat, outdoor
41 recreation opportunities, including hunting and fishing, working farmlands

1 and working waterfronts to be matched by at least \$30,000,000 in private
2 and public contributions?"

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

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

14 **PART B**

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

16 **1-B. Community conservation project.** "Community conservation project" means a
17 conservation project of local or regional significance that promotes one or more of the
18 following: public outdoor recreational access to land and waters, including for underserved
19 populations; public health; connections between conserved lands and population centers;
20 local or regional agriculture; conservation of cultural and historical resources on
21 undeveloped lands; protection of lakes, rivers or streams; conservation of fish or wildlife
22 habitat; protection of public drinking water supplies; conservation of community forests;
23 local economic development; opportunities for environmental learning; nonmotorized
24 transportation options; or other priorities as determined by the board.

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

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

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

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

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

39 **3. Priorities.** Whenever possible, the Land for Maine's Future Fund and the Public
40 Access to Maine Waters Fund must be used for land acquisition projects when matching
41 funds are available from cooperating entities, as long as the proposed acquisition meets all
42 other criteria set forth in this chapter. For acquisitions funded by the Land for Maine's
43 Future Fund, the board shall give priority to projects that conserve lands with multiple

1 outstanding resource or recreation values or a single exceptional value, conserve and
2 protect deer wintering areas, help the State's natural ecosystems, wildlife and natural
3 resource-based economies adapt to a changing climate, provide geographic representation
4 and build upon or connect existing holdings.

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

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

10 SUMMARY

11 Part A provides a bond issue, in the amount of \$35,000,000, to be used to provide funds
12 for the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands
13 and the Land for Maine's Future Board.

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