



129th MAINE LEGISLATURE

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Legislative Document

No. 923

H.P. 678

House of Representatives, February 21, 2019

An Act To Authorize a General Fund Bond Issue To Upgrade Municipal Culverts at Stream Crossings

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Speaker GIDEON of Freeport.
Cosponsored by Senator FARRIN of Somerset and
Representatives: BRYANT of Windham, FAY of Raymond, LANDRY of Farmington,
MARTIN of Greene, McLEAN of Gorham, NADEAU of Winslow, Senators: BLACK of
Franklin, DIAMOND of Cumberland.

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
3 issuance of bonds on behalf of the State of Maine to provide funds as described in this
4 Act,

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

6 **Sec. 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 \$5,000,000 for the purposes described in section 5 of this Act. 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. 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
13 name of the successful bidder to whom sold, the amount received for the bond, the date of
14 sale and the date when payable.

15 **Sec. 3. Sale; how negotiated; proceeds appropriated.** The Treasurer of State
16 may negotiate the sale of the bonds by direction of the Governor, but no bond may be
17 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 Act. Any unencumbered balances remaining at the completion of the project
21 in this Act lapse to the Office of the Treasurer of State to be used for the retirement of
22 general obligation bonds.

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

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

30 **ENVIRONMENTAL PROTECTION,**
31 **DEPARTMENT OF**
32

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

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

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

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

11 C. The extent to which the proposed project meets the Department of Environmental
12 Protection's design standard of at least 1.2 times the stream's bankfull width, with a
13 natural stream bottom or embedded structure, and meets or exceeds the Department
14 of Transportation's 50-year flood standard;

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

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

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

26
27 Total \$5,000,000

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

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

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

