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H.P. 728

House of Representatives, March 14, 2023

An Act to Authorize a General Fund Bond Issue to Promote the Design, Development and Maintenance of Trails for Outdoor Recreation and Active Transportation

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

R(+ B. Hunt

ROBERT B. HUNT Clerk

Presented by Representative FAY of Raymond. Cosponsored by Senator BLACK of Franklin and Representatives: HENDERSON of Rumford, KUHN of Falmouth, LANDRY of Farmington, MILLETT of Waterford, PLUECKER of Warren, SOBOLESKI of Phillips, Senators: BENNETT of Oxford, INGWERSEN of York. 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 Sec. 1. Authorization of bonds. The Treasurer of State is authorized, under the 6 direction of the Governor, to issue bonds in the name and on behalf of the State in an 7 amount not exceeding \$30,000,000 for the purposes described in section 5 of this Act. The 8 bonds are a pledge of the full faith and credit of the State. The bonds may not run for a 9 period longer than 10 years from the date of the original issue of the bonds.

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

14 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 15 loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the 16 bonds, which must be held by the Treasurer of State and paid by the Treasurer of State 17 upon warrants drawn by the State Controller, are appropriated solely for the purposes set 18 19 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 20 general obligation bonds. 21

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.

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

29 DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY

30 Bureau of Parks and Lands

Provides funds for a program, to be known as the Maine Trails Program, in order to leverage at least \$6,000,000 in matching contributions from public and private sources to be used for the design, development and maintenance of nonmotorized, motorized and multi-use trails statewide. No more than \$7,500,000 may be expended in the first year by the Bureau of Parks and Lands and no more than \$7,500,000 may be expended by the Bureau of Parks and Lands in each of the 3 subsequent years, except that any unused balance may be added to the specified amount in subsequent years.

38 Total

\$30,000,000

39 Sec. 6. Disbursement of bond proceeds. The proceeds of the bonds for the
40 program as set out in section 5 must be expended by the Department of Agriculture,
41 Conservation and Forestry for design, development and maintenance of nonmotorized,

2 with the following requirements: 3 1. Funds must be awarded by a competitive grant process to municipalities, other 4 qualified subdivisions of State Government and nonprofit organizations; 5 2. Approximately 30% of the funds must be expended in support of nonmotorized trails, 20% in support of motorized trails and 50% in support of multi-use trails used for 6 recreation or active transportation; 7 8 3. Priority must be given to projects that follow sustainable design standards and 9 incorporate accessibility and inclusive design standards; 10 4. Projects must demonstrate access to at least 20% matching contributions, which may include the value of project-related, in-kind contributions of goods and services to and by 11 cooperating entities; 12 13 5. Trails funded in whole or in part by this program must be publicized for public use. 14 Trails on private property must have use agreements for the longest period practicable that 15 are mutually agreed upon by the landowner and trail stewards; and 16 6. Projects must demonstrate support from entities such as state agencies, 17 municipalities, nonprofit organizations, trail user groups, businesses and the public. 18 Proposed projects may include requests to fund road maintenance to ensure trail access, as well as funding to ensure public access through acquisition of easements or fee simple 19 title, although these are not primary purposes of the bond funds. 20 21 Funding from this program may be used as match for federal grant programs related to outdoor recreation, including but not limited to the land and water conservation fund 22 23 established pursuant to the federal Land and Water Conservation Fund Act of 1965 and the 24 federal recreational trails program, administered in the State by the Department of 25 Agriculture, Conservation and Forestry, Bureau of Parks and Lands. In such cases, the bond requirement for local match may be waived. 26 27 Up to 3% of funding per annum may be used by the Department of Agriculture, Conservation and Forestry to administer this program. 28 29 Up to 1% of funding per annum may be awarded as planning grants to aid local project 30 partners in developing sustainable trail plans for future development and renovation 31 projects. 32 The Department of Agriculture, Conservation and Forestry shall work with the 33 Department of Transportation in evaluating and making grant decisions on proposals that 34 would advance the Department of Transportation's statewide active transportation plan. 35 The Department of Agriculture, Conservation and Forestry shall work with the 36 Department of Economic and Community Development, municipalities, nonprofit organizations and other entities to promote awareness, use and maintenance of publicly 37 38 accessible trails funded pursuant to the competitive grant process to enhance their economic, public health and user benefits. 39 40 Sec. 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 41 42 in this Act.

motorized and multi-use trails, trailheads and trailside amenities statewide in accordance

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1 Sec. 8. Appropriation balances at year-end. At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond 2 proceeds that have not been expended within 10 years after the date of the sale of the bonds 3 lapse to the Office of the Treasurer of State to be used for the retirement of general 4 5 obligation bonds.

6 Sec. 9. Bonds authorized but not issued. Any bonds authorized but not issued within 5 years of ratification of this Act are deauthorized and may not be issued, except 7 8 that the Legislature may, within 2 years after the expiration of that 5-year period, extend 9 the period for issuing any remaining unissued bonds for an additional amount of time not 10 to exceed 5 years.

Sec. 10. Referendum for ratification; submission at election; form of 11 question; effective date. This Act must be submitted to the legal voters of the State at 12 a statewide election held in the month of November following passage of this Act. The 13 14 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, 15 to vote on the acceptance or rejection of this Act by voting on the following question: 16

- 17 "Do you favor a \$30,000,000 bond issue to invest in the design, development and maintenance for nonmotorized, motorized and multi-18
- use trails statewide, to be matched by at least \$6,000,000 in private and 19 20
 - public contributions?"

21 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 22 below the word "Yes" or "No." The ballots must be received, sorted, counted and declared 23 24 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 25 26 returns. If a majority of the legal votes are cast in favor of this Act, the Governor shall proclaim the result without delay and this Act becomes effective 30 days after the date of 27 the proclamation. 28

29 The Secretary of State shall prepare and furnish to each city, town and plantation all 30 ballots, returns and copies of this Act necessary to carry out the purposes of this 31 referendum

SUMMARY 32

33 The funds provided by this bond issue, in the amount of \$30,000,000, will be used to 34 provide funds to the Department of Agriculture, Conservation and Forestry, Bureau of 35 Parks and Lands for the design, development and maintenance of nonmotorized, motorized 36 and multi-use trails statewide.