

MAINE STATE LEGISLATURE

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(EMERGENCY)
SECOND REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1699

S. P. 652

Office of the Secretary of the Senate

The Committee on Education suggested. Approved for Introduction by the Legislative Council pursuant to Joint Rule 26.

MAY M. ROSS, Secretary of the Senate

Presented by Senator Devoe of Penobscot

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

AN ACT to Validate Proceedings Authorizing the Issuance of Bonds and Notes by the Town Council of the Town of Orono.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, by the Public Laws of 1979, chapter 260, the Maine Revised Statutes, Title 20, chapter 502, section 3471, subsection 2, paragraph E, subparagraph (4), relating to school construction projects was amended to require that, in the case of a town or city where the responsibility for final adoption of the school budget is vested in a town or city council by municipal charter, the article submitted for a vote in an election conducted in accordance with Title 30, sections 2061 to 2065 indicate:

- “(a) That the initial local share of the total cost of the project shall be 5% of the total cost or one mill multiplied by the unit’s initial state valuation, whichever is less;
- (b) The actual initial local share;
- (c) That the entire additional operating costs of the new project during its first 2 years shall be borne by revenues raised by the administrative unit;

- (d) The estimated amount of the additional operating costs during each of the first 2 years; and
- (e) The rate of the reimbursement from state general fund revenue sources for debt service costs in the year in which the project received concept approval;” and

Whereas, the Maine Revised Statutes, Title 30, section 2061, subsection 4, provides in part that:

“4. Referendum questions. By order of the municipal officers or on the written petition of a number of voters equal to at least 10% of the number of votes cast in the town at the last gubernatorial election, but in no case less than 10, the municipal officers shall require that a particular article be placed in the next ballot printed, or shall call a special town meeting for its consideration. A public hearing shall be held by the municipal officers on the subject of such article at least 10 days before the day for voting thereon. Notice of such public hearing shall be given by the municipal officers by causing a copy of said proposed article together with the time and place of hearing, to be posted in the same manner required for posting a warrant for a town meeting, at least 7 days before the date set for such hearing, and a return shall be made on the original notice by the municipal officers stating the manner of notice and the time....;” and

Whereas, the notice of the public hearing and the warrant, which were timely posted, contained a copy of the following articles proposed to be voted upon at the referendum election held in the town of Orono on November 6, 1979:

ARTICLE I.

Shall the Town Council of the Town of Orono be authorized to issue bonds or notes in the name of the town for capital outlay purposes in an amount not to exceed \$3,012,885 to construct an addition to Orono Junior-Senior High School?

(The aforesaid sum is the maximum amount presently eligible for state reimbursement under the Maine Revised Statutes, Title 20, chapter 502. Under existing law the current rate of reimbursement from state general fund revenue will be 53.74%.)

ARTICLE II.

Shall the Town Council of the Town of Orono be authorized to issue bonds or notes in the name of the said town for capital outlay purposes in an amount not to exceed \$65,650 to construct an addition to Orono Junior-Senior High School?

(The aforesaid sum is the town’s estimated initial local share of the aforesaid project and is not eligible for state reimbursement under the Maine Revised Statutes, Title 20, chapter 502. In addition, the entire operating costs of the project during the first 2 years of operation, presently estimated at \$45,195 for each year, will be borne by revenues raised by the Town of Orono;) and

Whereas, at the referendum election of the Town of Orono held on November 6, 1979, the legal voters of the town voted by ballot on the articles:

ARTICLE I.

Shall the Town Council of the Town of Orono be authorized to expend up to but not exceeding the sum of \$3,078,535 for capital outlay purposes to construct and equip an addition to Orono Junior-Senior High School?

ARTICLE II.

Shall the Town Council of the Town of Orono be authorized to issue bonds or notes in the name of the town for capital outlay purposes in an amount not to exceed \$3,012,885 to construct and equip an addition to Orono Junior-Senior High School?

(The aforesaid sum is the maximum amount presently eligible for state reimbursement under the Maine Revised Statutes, Title 20, chapter 502. Under existing law, the current rate of reimbursement from state general fund revenue sources for debt service costs in the year in which the project received concept approval will be 53.74%.)

ARTICLE III.

Shall the Town Council of the Town of Orono be authorized to issue bonds or notes in the name of the town for capital outlay purposes in an amount not to exceed \$64,650 to construct and equip an addition to Orono Junior-Senior High School?

(The aforesaid sum is the town's estimated initial local share of the aforesaid project and is not eligible for state reimbursement under the Maine Revised Statutes, Title 20, chapter 502. The actual initial local share of the total cost of the project will be 5% of the total cost or one mill multiplied by the unit's initial state valuation, whichever is less. Further, the entire additional operating costs of the new project during its first 2 years of operation presently estimated at \$45,195 for each year will be borne by revenues raised by the Town of Orono;) and

Whereas, on referendum Article I, 1263 "yes" votes were cast and 641 "no" votes were cast; on referendum Article II, 1246 "yes" votes were cast and 624 "no" votes were cast; on referendum Article III, 1246 "yes" votes were cast and 623 "no" votes were cast; and

Whereas, the Town Council of Orono proposes to construct an addition to Orono Junior-Senior High School and must award contracts in the immediate future for engineering and construction, and proposes to apply to the Maine Municipal Bond Bank for the purchase by the bond bank of not in excess of \$3,078,535, principal amount of bonds of the town for the construction of the addition to Orono Junior-Senior High School; and

Whereas, in view of the fact that the articles posted in the warrant and in the

notice of the public hearing held prior to the referendum election on November 6, 1979, were not in the precise form presented by the Public Laws of 1979, chapter 260, it may be impossible to secure the necessary legal approval for the issue of bonds for the addition to Orono Junior-Senior High School; and

Whereas, the construction of the addition to Orono Junior-Senior High School is essential to the health and well-being of the school children of the Town of Orono; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. Referendum vote validated. The majority vote of the voters of the Town of Orono at the referendum election held November 6, 1979, approving the issuance of bonds or notes for the construction of an addition to Orono Junior-Senior High School in amounts up to \$3,078,535 is declared to have resulted from an election conducted in accordance with the Maine Revised Statutes, Title 20, section 3471, subsection 2, paragraph E, as amended by the Public Laws of 1979, chapter 260.

Sec. 2. Authorization. The Town Council of the Town of Orono is authorized to issue and sell its bonds or notes for capital outlay purposes, not exceeding the principal amount of \$3,078,535 under and pursuant to the applicable provisions of the Maine Revised Statutes, Title 20, section 3471, as amended, without the necessity of further proceedings in the municipality. The proceedings taken at the town referendum election held in the municipality on November 6, 1979, wherein it was voted to authorize the Town Council of the Town of Orono to issue bonds or notes in the name of the town for capital outlay purposes in an aggregate amount not to exceed \$3,078,535 and all action heretofore taken pursuant thereto by the town council, school directors, officers and agents of the town are hereby confirmed, validated and made effective.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

The purpose of this Act is to relieve the Town of Orono from the financial burden and delay which would be caused by the necessity of holding another election for approval of the school construction project which was approved by the voters November 6, 1979.

The 109th Legislature enacted chapter 260 of the Public Laws of 1979, effective September 14, 1979, amending the required language for voter approval of school construction projects under the Maine Revised Statutes, Title 20, section 3471, subsection 2, paragraph E.

The Town of Orono, acting in reliance on the law in effect at the time it commenced its application to the State Board of Education for its approval and on advice of the State Board of Education, posted notice of a public hearing required by law and published a warrant prior to a vote on November 6, 1979, on a school construction project. The public notice of a prior public hearing and the warrant did not contain the precise language added by chapter 260. Subsequently, but prior to the holding of the meeting and prior to the election, the ballots were corrected to contain the precise language required by chapter 260 and the change was fully explained in a subsequent newsletter to town residents and at the public meeting. The project was approved by the voters.

The Town of Orono faces an immediate need for additional facilities for the next school year and, in order to complete facilities by then, contracts must be signed in the immediate future so that construction can commence in the spring.