

MAINE STATE LEGISLATURE

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L.D. 2024

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-728)
110TH LEGISLATURE
SECOND REGULAR SESSION

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COMMITTEE AMENDMENT "A" to H.P. 2087, L.D. 2024, Bill,
"AN ACT Authorizing the County of Cumberland to Raise Funds
for the Construction of a Court House, Capital Improve-
ments and Related Facilities."

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Amend the Bill by striking out all of the title and
inserting in its place the following: 'AN ACT Authorizing
the County of Cumberland to Raise and Expend Funds for the
Construction of a Court House and for Capital Improvements
to and Related Facilities for Certain Court Houses.'

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Further amend the Bill by striking out all of sections
1 and 2 and inserting in their place the following:

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**'Sec. 1. To raise money for court house construction
and capital improvements.** The county commissioners of Cum-
berland County are authorized to raise and expend, by issu-
ing bonds or notes, a sum not exceeding \$5,500,000 for court
house construction and capital improvements and such related
parking or other facilities as the county commissioners deem
advisable.

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The county commissioners shall expend no more than
\$4,500,000 for the facilities of the Ninth District Court
serving Southern Cumberland and the Cumberland
County Superior Court; no more than \$250,000 for the facili-
ties of the Ninth District Court serving Northern Cumber-
land; and no more than \$750,000 for the Eighth District
Court serving Eastern Cumberland.

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Sec. 2. Bonds or notes. To provide funds for court
house construction and capital improvements and such related
parking or other facilities as the county commissioners deem
advisable, the treasurer of Cumberland County, with the
approval of the county commissioners, may borrow from time
to time upon the full faith and credit of the county such
sums, not exceeding in the aggregate \$5,500,000, as may be
necessary, and may issue bonds or notes therefor which shall

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2 bear on their faces the words "Cumberland County Capital
3 Improvement Bonds, Act of 1982," or "Cumberland County Capital
4 Improvement Notes, Act of 1982." Each authorized issue
5 shall be payable in such annual installments, beginning not
6 more than 30 years from the date thereof, as will extinguish
7 each loan in not more than 30 years from its date, and so
8 that the amount of each annual payment of principal in any
9 year shall not be less by more than \$50,000 than the amount
10 of the principal of the loan payable in any subsequent year.
11 The bonds or notes shall be signed by the treasurer of the
12 county and countersigned by the chairman of the county commissioners.
13 The bonds shall be valid without first obtaining the consent of the county,
14 as provided in the Revised Statutes, Title 30, sections 302 and 404. The county may
15 sell such securities at public or private sale upon such terms and conditions
16 as the county commissioners deem proper, but at not less than par and accrued interest.'

19 Further amend the Bill by inserting at the end before
20 the statement of fact the following:

21 'Sec. 5. Referendum; effective date. Sections 1, 2
22 and 3 of this Act shall be submitted to the legal voters of
23 Cumberland County. The submission is to be at the discretion of the county
24 commissioners of Cumberland County, but not later than 18 months after
25 adjournment of the Legislature. The county commissioners are authorized to raise
26 and expend such funds as are necessary to implement the referendum.
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29 The county clerk of Cumberland County shall prepare the
30 required ballots on which he or she shall state the subject
31 matter of this Act in the following question:

32 "Shall Cumberland County raise and expend funds for the
33 construction of a court house and for capital improvements to and related facilities
34 for certain court houses?"

35 The voters shall indicate by a cross or check mark
36 placed against the words "Yes" or "No" their acceptance or rejection of the same.
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38 Sections 1, 2 and 3 of this Act shall take effect for
39 all the purposes hereof immediately upon acceptance by a majority of the legal voters
40 voting at the election, pro-

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2 vided that the total number of votes cast for and against
3 the acceptance of this Act equals or exceeds 10% of the
4 total votes for all candidates for Governor cast in the next
5 previous gubernatorial election in the county. If at any
6 such first election the total number of votes cast for or
7 against acceptance of this Act is less than 10% of the total
8 votes for all candidates for Governor cast in the county in
9 the next previous gubernatorial election, the county commis-
10 sioners may call not more than one more such special elec-
11 tion, to be held within the time prescribed.

12 The result of such elections shall be declared by the
13 county commissioners of Cumberland County in due certifi-
14 cates thereof filed by the county clerk with the Secretary
15 of State.

16 STATEMENT OF FACT

17 The intent of this amendment is to authorize the com-
18 missioners of Cumberland County to obtain the permission of
19 the voters of Cumberland County by referendum to issue bonds
20 up to a total of \$5,500,000 for the purpose of constructing
21 a new district court facility and related parking for the
22 Ninth District Court serving Southern Cumberland County,
23 which is located in Portland, to be paid for by lease to the
24 Judicial Department, and a separate county government public
25 parking facility. The total estimated cost is \$4,500,000.

26 This court is the busiest of the 33 District Court
27 locations in the State, with over 40,000 cases filed in
28 1981, 18% of the total 1981 case filings statewide. It has
29 the largest staff, 19, of any clerk's office in the State.
30 By modern court planning standards, the court in 1978 needed
31 4 court rooms and at least 16,000 square feet of space in
32 which to function. It presently is operating 2 court rooms
33 within less than 6,000 square feet in the existing Cumber-
34 land County court house. Case filings have increased by 9%
35 in the last 2 years.

36 The consequences of operating in less than 1/3 of
37 needed space are: Severe congestion of public waiting
38 areas; a lack of privacy for defendants to talk with coun-
39 sel; a mixture of criminal, civil, small claims and juvenile
40 matters at the same time and place; and inefficiency in

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2 court operations. There is no public parking space for
3 either the District Court or Superior Court convenient to
4 the existing court house.

5 The Select Commisison on Court Facilities reported to
6 the Governor and Legislature in late 1979 that "... the
7 situation in Portland is totally unsatisfactory" and
8 recommended replacement of the District Court facility as a
9 top priority.

10 The new structure is proposed to be built on land
11 already owned by the county government and used for county
12 and court parking, situated between the present court house
13 and the jail. It would contain 20,000 net square feet and 4
14 court rooms, together with 100 parking spaces in the base-
15 ment of the building. The existing Superior Court would
16 expand into the vacated space in the existing court house.
17 The Superior Court is also the largest volume Superior Court
18 in the State and was found by the select commision to be in
19 need of 2 additional court rooms on a full-time basis.

20 The county commisioners propose to construct a separate
21 parking facility on land it presently owns and uses for 36
22 parking spaces. The parking facility would provide an esti-
23 mated 160 parking spaces, a net gain of 124 spaces, which
24 would be used for public parking. There is no public park-
25 ing in the vicinity of the court house at the present time.

26 This amendment also provides for \$250,000 to be used
27 for the facilities of the Ninth District Court serving
28 Southern Cumberland County, located in Bridgton, and the
29 facilities of the Eighth District Court serving Eastern Cum-
30 berland County, located in Brunswick.

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Reported by the Committee on Local and County Government.
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of the House.

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