

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND SPECIAL SESSION-2004

Legislative Document

No. 1953

H.P. 1452

House of Representatives, April 1, 2004

An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by the Calais School District

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative PERRY of Calais.
Cosponsored by Senator SHOREY of Washington.

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

4 **Whereas,** the management and control of public school
6 buildings located in the City of Calais are vested in the Calais
School District, which includes the territory of the City of
8 Calais; and

10 **Whereas,** the State Board of Education has granted concept
approval and design and funding approval for a school
12 construction project to construct and equip additions and do
renovations to Calais Elementary School and Calais High School;
14 and

16 **Whereas,** at a first referendum held on May 29, 2002, the
voters of the City of Calais voted to authorize the Board of
18 Trustees of the Calais School District to expend an amount not to
exceed \$8,824,585 for the project, to issue bonds or notes in the
20 name of the Calais School District for school construction
purposes in an amount not to exceed \$7,208,212 and to issue
22 additional bonds or notes or other evidences of indebtedness in
an amount not to exceed \$1,616,373 for zero-interest loans from
24 the State's School Revolving Renovation Fund; and

26 **Whereas,** at a 2nd referendum held on June 24, 2003, the
voters of the City of Calais voted to exercise the total project
28 cost to an amount not to exceed \$9,383,367 and to authorize the
Board of Trustees of the Calais School District to issue
30 additional bonds or notes for school construction purposes for
the project in an amount not to exceed \$558,783; and

32 **Whereas,** the Calais School District now intends to issue
34 additional bonds or notes for the project; and

36 **Whereas,** the warrants for the 2nd referendum relating to the
project were posted on June 18, 2003, 6 days prior to the June
38 24, 2003 referendum, rather than 7 days prior to the referendum
as required by the Maine Revised Statutes; and

40 **Whereas,** the failure to post the warrant 7 days in advance
42 of the 2nd referendum has created a legal technicality that could
prevent the issuance of additional bonds or notes by the Calais
44 School District for the project; and

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

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

4 **Sec. 1. Validation and authorization.** Notwithstanding any
6 provision of the Maine Revised Statutes to the contrary, the
8 school construction referendum conducted by the City of Calais on
10 June 24, 2003 and the proceedings related to that referendum are
12 validated and made effective. The Calais School District is
14 authorized to expend up to \$9,383,367 for the Calais High School
16 and Calais Elementary School construction and renovation project
18 and to issue bonds or notes that have been approved by the State
Board of Education for purposes of calculating state school
construction subsidies in an amount not to exceed \$7,726,994, to
issue local only bonds or notes for the project without state
subsidy in an amount not to exceed \$40,000 and to issue bonds or
notes or other evidences of indebtedness for the project in an
amount not to exceed \$1,616,373 for zero-interest loans from the
State's School Revolving Renovation Fund.

20 **Emergency clause.** In view of the emergency cited in the
22 preamble, this Act takes effect when approved.

24 **SUMMARY**

26 This bill validates a referendum vote on the Calais High
28 School and Calais Elementary School construction and renovation
30 project conducted on June 24, 2003 and authorizes the Calais
32 School District to issue bonds, notes and other evidences of
34 indebtedness in connection with that project. The bill is needed
to resolve a legal technicality that could prevent the issuance
of additional bonds for the project in that the warrant for the
2nd referendum vote on the project was posted 6 days before the
referendum rather than 7 days before the referendum vote as
required by the Maine Revised Statutes.