

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1483

S.P. 601

In Senate, April 3, 2025

An Act to Validate Certain Referendum Proceedings Conducted by the City of South Portland

(AFTER DEADLINE)

(EMERGENCY)

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

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant", is positioned above the name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CARNEY of Cumberland.

Cosponsored by Representative DHALAC of South Portland and

Representatives: BECK of South Portland, KESSLER of South Portland.

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

3 **Whereas,** the City of South Portland is authorized pursuant to state law and its charter
4 to borrow money and to issue its general obligation bonds and notes in furtherance of its
5 municipal purposes; and

6 **Whereas,** at a city referendum held November 5, 2024, the voters of the city ratified
7 and approved 2 bond ordinances, the first for \$1,000,000 for school maintenance and
8 improvements and the second for \$3,000,000 for school safety improvements, all as
9 described in the bond ordinances submitted to a referendum vote; and

10 **Whereas,** each bond ordinance was approved by the voters of the city as follows:
11 Question 1, school maintenance and improvements: 11,165 in favor and 3,431 against,
12 with 608 blank ballots; and Question 2, school safety improvements: 10,584 in favor and
13 4,002 against, with 624 blank ballots; and

14 **Whereas,** the Maine Revised Statutes, Title 30-A, section 5772, subsection 2-A
15 requires that any question submitted to the electors for ratification of a general obligation
16 bond be accompanied by a statement signed by the treasurer of the municipality setting
17 forth certain information about the municipality's outstanding and unpaid bonds, its
18 authorized and unissued bonds and the total principal amount and the interest cost of the
19 proposed bonds that are the subject of the referendum vote; and

20 **Whereas,** Title 21-A, section 622-A requires that the notice of election contain the
21 referendum questions for that election; and

22 **Whereas,** due to inadvertent oversight, although the 2 bond ordinances submitted to
23 the voters were accompanied by a statement setting forth the required information about
24 the city's bonded debt, the statement was not signed by the treasurer of the city as required
25 by Title 30-A, section 5772, subsection 2-A; and

26 **Whereas,** due to the initial delivery to the city by the Secretary of State's office of an
27 incorrect form of notice of election, the notice of election used by the city did not contain
28 the 2 bond ordinance questions; and

29 **Whereas,** prior to the referendum, the South Portland city council held a first reading,
30 a public hearing and a second reading on the 2 bond ordinances, a summary of the 2 bond
31 ordinances was posted in the city hall 7 days prior to the public hearing, the South Portland
32 school department held a public hearing on the 2 bond ordinances, the municipal clerk
33 posted the bond ordinances and the specimen ballots setting forth the referendum questions
34 on the bond ordinances in public and conspicuous places in each voting district in the city
35 at least 7 days prior to the referendum, and posted this information at each voting place on
36 election day, and the municipal clerk published a summary of the 2 bond ordinances in the
37 Portland Press Herald not less than 10 days nor more than 15 days prior to the referendum;
38 and

39 **Whereas,** the failure to include the signed statement required by Title 30-A, section
40 5772, subsection 2-A and the failure to include the 2 bond ordinance questions in the notice
41 of election create a legal technicality that could affect the marketability of the bonds or
42 notes to be issued by the city in connection with the projects; 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. Validation and authorization. Notwithstanding any provision of the Maine Revised Statutes or the charter of the City of South Portland to the contrary, the City of South Portland referendum conducted on November 5, 2024 with respect to the 2 bond ordinance questions and the proceedings related to that referendum are validated and made effective. The City of South Portland is authorized to enter into contracts and to issue bonds or notes of the city in an amount not to exceed \$1,000,000 to finance school maintenance and improvements and \$3,000,000 to finance school safety improvements, all as set forth in the respective bond ordinances.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This bill validates the referendum conducted in the City of South Portland on November 5, 2024. It authorizes the City of South Portland to enter into contracts and issue bonds or notes of the city in an amount not to exceed \$1,000,000 to finance school maintenance and improvements and \$3,000,000 to finance school safety improvements.