

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 6

H. P. 6

Office of the Clerk of the House

Filed November 21, 1968 under Joint Rule 6 by Mr. Hewes of Cape Elizabeth. To be printed and delivered to the House of Representatives of the 104th Legislature.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Hewes of Cape Elizabeth.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT to Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes and the Execution of a Lease to the Maine School Building Authority by the Town of Cape Elizabeth.

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

Whereas, funds for capital outlay purposes are or will shortly be required by the Town of Cape Elizabeth in order to commence and complete construction of a new high school; and

Whereas, the town council of said town at a meeting duly held on May 7, 1968 voted to approve and enter into a proposed lease agreement with the Maine School Building Authority, which was duly authorized by said authority on May 6, 1968, and also voted to issue general obligation securities of said town in an amount not to exceed \$1,000,000 for financing the construction of said new high school; and

Whereas, the town council of said town at a meeting duly held on May 13, 1968, to which were presented petitions for the reference of both of said May 7, 1968 votes to a referendum, which petitions were validly signed by more than 10% of the registered voters of the town, duly called a public hearing to be held upon such referendum questions on May 23, 1968 and designated May 27, 1968 and the Cape Elizabeth Town Hall as the time and place for the referendum vote upon both of said May 7, 1968 votes of the town council; and

Whereas, said public hearing was held on May 23, 1968 and thereafter said votes were approved by duly noticed referendum vote on May 27, 1968, approval of said town council vote upon the lease agreement with the Maine School Building Authority being Yes — 1093 and No — 706, and approval of said town council vote to issue general obligation securities of the town being Yes — 1096 and No — 688; and

Whereas, doubt exists whether notice of the public hearing upon said referendum questions on May 23, 1968 complied fully with the applicable requirements of law and the town charter of said town, thus raising doubts as to the legality of certain of the proceedings to authorize the said lease agreement and the issuance of said bonds and other action taken in connection therewith; 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:

Authorization and validation. The Town of Cape Elizabeth without the necessity of further proceedings in or by said town is authorized to enter into a lease agreement with the Maine School Building Authority with respect to a new high school to be constructed in said town at an estimated cost to said authority of \$2,800,000 plus an additional amount, if necessary, not to exceed \$280,000, and to incur indebtedness under and pursuant to the applicable provisions of the Maine Revised Statutes, Title 30, section 5152, by the issuance of its general obligation securities not to exceed \$1,000,000 in principal amount for the purpose of contributing to the cost of constructing said new high school. The proceedings to authorize said lease agreement and the incurring of said indebtedness taken in a meeting of the town council of the Town of Cape Elizabeth, held May 7, 1968, and approved by vote at the referendum held in said town on May 27, 1968, and all action taken by said town, its officers, agents and employees pursuant to said proceedings, are hereby validated and made effective.

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