

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

(EMERGENCY)

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1866

H. P. 1441

House of Representatives, June 23, 1971

Read three times under suspension of rules. Passed to be engrossed without reference to any committee.

BERTHA W. JOHNSON, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT to Validate a Referendum Vote of the Town of Brunswick.

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

Whereas, the school board of the Town of Brunswick has determined that a new elementary school is vital to the educational system of the town; and

Whereas, the proposal for the construction of the school was approved by the Brunswick Town Council; and

Whereas, the question was put to referendum in 3 separate questions in the following form at the request of bond counsel because of an alleged defect in the Brunswick Town Charter:

1. Shall the ordinance entitled "A Bond Ordinance Authorizing the Issuance of Bonds and/or Notes not to Exceed \$881,000 to Finance the Construction of an Elementary School at Jordan Acres" enacted by the Town Council on May 24, 1971 be affirmed?

2. Shall the Order Appropriating \$881,000 for the design, construction and furnishing of an elementary school at Jordan Acres adopted by the Town Council on May 24, 1971 be affirmed?

3. Shall the Order Authorizing the Issuance of Bonds and/or Notes by the Town in an Amount not to Exceed \$881,000 to Finance the design, construction and furnishing of an elementary school at Jordan Acres adopted by the Town Council on May 24, 1971 be affirmed?; and

Whereas, bond counsel advised it was necessary for all 3 questions to pass by a majority vote; and

Whereas, it was impossible to explain this situation to the voters of the Town of Brunswick; and

Whereas, at the referendum election held on June 21, 1971 in the Town of Brunswick, Question No. 1 passed by a vote of 587 to 577, Question No. 2 passed by a vote of 581 to 580 and Question No. 3 received a tie vote of 580 votes; and

Whereas, in the opinion of the town attorney the favorable vote on Question No. 1 was sufficient under the Brunswick Town Charter to validly authorize the issue of bonds or notes; and

Whereas, there is such uncertainty as to make difficult or impossible the obtaining of legal certification approving the issue of bonds or notes; and

Whereas, time is of the essence because the town will lose state building subsidy funds in the amount of approximately \$90,000 unless the matter is resolved before July 1; 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:

Referendum vote validated. The majority vote at the referendum election in the Town of Brunswick on June 21, 1971 on the following question:

“Shall the ordinance entitled ‘A Bond Ordinance Authorizing the Issuance of Bonds and/or Notes not to Exceed \$881,000 to Finance the Construction of an Elementary School at Jordan Acres’ enacted by the Town Council on May 24, 1971 be affirmed?” was sufficient to authorize the issuance of bonds and/or notes in the stated amount to bind the Town of Brunswick to pay for any bonds and/or notes issued thereunder as general obligations of the town; that passage of the other questions under the circumstances was unnecessary and of no consequence; and that the vote was valid in every respect and for every purpose.

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