

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

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Legislative Document

No. 103

H. P. 81

House of Representatives, January 7, 1975

Referred to the Committee on Education. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. DeVane of Ellsworth.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

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**AN ACT to Clarify the Authorized Indebtedness of the Ellsworth School District.**

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

Whereas, accommodations for the schools in the City of Ellsworth are not sufficient to accommodate the pupils now therein; and

Whereas, an addition to the present facilities is vitally necessary; and

Whereas, further delay in building an addition will be harmful to the well-being of the pupils and prevent necessary funding sufficient for an addition; and

Whereas, if an addition is not constructed immediately it will be necessary to curtail certain educational programs for the coming school terms; and

Whereas, construction of an addition has commenced and funds are urgently needed to make payment therefor; 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.** P & SL 1949, c. 9, § 4, first sentence, as amended by P & SL 1971, c. 103, is further amended to read:

To procure funds for the purposes of this Act, and for such other expenses as may be necessary to carry out said purposes, the said trustees are hereby authorized from time to time to borrow money and to issue its bonds and notes therefor, but ~~shall not incur a total indebtedness exceeding the sum of \$1,400,000~~ **no indebtedness shall be incurred which causes the total indebtedness then outstanding to exceed \$1,400,000.**

**Sec. 2. Ratification.** All action previously taken by the district and its officers to incur debt or contractual responsibility or otherwise to commit the district with respect to any school building project is hereby ratified, validated and confirmed as if this Act had been in effect as of the time such action was taken.

**Sec. 3. Expenditure authorization.** To the extent that school construction costs have been temporarily financed by the City of Ellsworth, the district may expend the proceeds of bonds or notes to repay said city the amount borrowed plus any interest thereon incurred and paid by said city. Such repayment of interest if any shall be considered as a part of the capital cost of the school building project so financed and shall be included in the amount eligible for state payment or reimbursement the same as any other capital cost relating to such project.

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

#### STATEMENT OF FACT

In the 105th Legislature, the Ellsworth School District borrowing capacity was set at \$1,400,000 by P & SL 1971, c. 103. There has arisen a question as to whether this limitation applies to total indebtedness at any one time or to the total cumulative indebtedness which the district can incur throughout its existence.

Currently, the Ellsworth School District is constructing a school building which has been approved by the Maine Department of Educational and Cultural Services. However, the district will be unable to pay the contractor for the building if the Act is not clarified to allow a total indebtedness at any one time not to exceed \$1,400,000. This Act provides that clarification.