

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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Legislative Document

No. 1365

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H. P. 1112

House of Representatives, March 29, 1977

On motion of Mr. Lynch of Livermore Falls, referred to Committee on Education. Sent up for concurrence and ordered printed. Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25.

EDWIN H. PERT, Clerk

Presented by Mr. Silsby of Ellsworth.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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**AN ACT to Validate Proceedings Authorizing the Issuance  
of Bonds or Notes by Region 5 Vocational Region.**

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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, Region 5 vocational region was created under the public laws of 1973, chapter 605, to deliver vocational education within an area in and around Hancock County; and

Whereas, there is an urgent need for vocational education in said area and it is imperative that construction of a regional vocational education facility in Ellsworth and purchase of equipment for use in vocational education programs in Bucksport, Mount Desert, Sullivan and other communities within the region proceed without further delay in order to provide vocational education for, and to protect the health, safety and welfare of the school children of said region; and

Whereas, funds for major capital outlay purposes are required by said Region 5 vocational region in order to construct such regional vocational education facility and to purchase equipment for such vocational education programs; and

Whereas, at a region election held on November 2, 1976, the voters of Region 5 vocational region voted to authorize the cooperative board of

Region 5 vocational region to issue bonds or notes in the name of said region for major capital outlay purposes in an amount not to exceed \$1,494,000 for construction of such regional vocational education facility and purchase of equipment for such vocational education programs; and

Whereas, doubt exists whether the procedures observed in holding and conducting the region election held on November 2, 1976, complied in all respects with the applicable requirements of law because it appears that the Legislature inadvertently repealed the first sentence of the Revised Statutes, Title 20, section 225, subsection 2, paragraph G, which governs such procedures, thus raising doubts as to the legality of the proceedings to authorize the issuance of bonds or notes and other legal 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.** Region 5 vocational region, as authorized and organized under the public laws of 1973, chapter 605, is hereby authorized to issue and sell its bonds or notes for major capital outlay purposes, not exceeding the principal amount of \$1,494,000, under and pursuant to the applicable provisions of the Revised Statutes, Title 20, section 2356-G, subsection 7, as amended, without the necessity of further proceedings in the municipalities comprising the region. The proceedings taken with respect to the region election held on November 2, 1976, in each of the municipalities comprising the region, wherein it was voted to authorize the cooperative board of Region 5 vocational region to issue bonds or notes in the name of said region for major capital outlay purposes in an amount not to exceed \$1,494,000, and all action heretofore taken pursuant thereto by the cooperative board, officers and agents of said region are hereby confirmed, validated and made effective.

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

## STATEMENT OF FACT

On April 12, 1976, Title 20, section 225, subsection 2, paragraph G, first sentence was amended by PL 1975, c. 746, § 5-A. On April 14, 1976, said sentence was repealed and replaced by PL 1975, c. 761, § 2 without reference to the amendment contained in PL 1975, c. 746, § 5-A. On April 16, 1976, said sentence, as amended by PL 1975, c. 746, § 5-A, was repealed by PL 1975, c. 768, § 1 without reference to PL 1975, c. 761, § 2.

Since PL 1975, c. 768, § 1 was enacted after PL 1975, c. 761, § 2, bond counsel is of the opinion that the Legislature inadvertently repealed Title 20, section 225, subsection 2, paragraph G, first sentence, which provides the statutory basis for the procedures used in conducting school bond referendums, and therefore, that no such statutory basis existed after April 16, 1976, thus casting doubt on the validity of school bond referendums held after such date.