

MAINE STATE LEGISLATURE

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(Governor's & Chief Justice's Bill)
SECOND REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1985

H. P. 1916

House of Representatives, March 7, 1980

Referred to the Committee on Appropriations and Financial Affairs. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk of the House

Presented by Mr. Davis of Monmouth

Cosponsors: Mr. Cloutier of South Portland, Mr. Marshall of Millinocket and Mrs. Berube of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

AN ACT to Authorize Bond Issues in the Amount of \$4,000,000 in each of 3 years for Court Facilities Improvements.

Preamble. Two-thirds of both Houses of Legislature deeming it necessary in accordance with the Constitution, Article IX, Section 14, to authorize the issuance of bonds on behalf of the State of Maine to provide the capital improvements, construction, renovations, equipment and furnishings for the various state departments.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. Issue of bonds to provide for capital improvements, construction, renovations, equipment and furnishing for state departments. The Treasurer of State is authorized, under the direction of the Governor to issue from time to time serial coupon bonds in the name and behalf of the State to an amount not exceeding \$4,000,000 to be issued after July 1, 1981; \$4,000,000 to be issued after July 1, 1982; and \$4,000,000 to be issued after July 1, 1983; for the purpose of raising funds to provide for such capital improvements, construction, renovations, equipment and furnishings as authorized by section 6. The bonds shall be deemed a

pledge of the faith and credit of the State. The bonds shall not run for a longer period than 20 years from the date of the original issue thereof. Any issuance of bonds may contain a call feature at the discretion of the Treasurer of State with the approval of the Governor.

Sec. 2. Records of bonds issued to be kept by the State Auditor and Treasurer of State. The State Auditor shall keep an account of the bonds, showing the number and amount of each, the date when payable and the date of delivery thereof to the Treasurer of State, who shall keep an account of each bond, showing the number thereof, the name of the successful bidder to whom sold, the amount received for the same, the date of sale and the date when payable.

Sec. 3. Sale, how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor; but no such bond shall be loaned, pledged, or hypothecated in behalf of the State. The proceeds of the sale of the bonds, which shall be held by the Treasurer of State and paid by him upon warrants drawn by the Governor, are appropriated to be used solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the projects in section 6 shall lapse to the debt service account established for the retirement of these bonds; provided that any amount allocated for either of the first 2 fiscal years shall not lapse, but shall be carried forward into the succeeding year to be used for the purposes set forth in this Act.

Sec. 4. Interest and debt retirement. Interest due or accruing upon any bonds issued under the provisions of this Act and all sums coming due for payment of bonds at maturity shall be paid by the Treasurer of State.

Sec. 5. Disbursement of bonds' proceeds. The proceeds of the bonds shall be expended under the direction and supervision of the Director of Public Improvements.

Sec. 6. Allocations from General Fund bond issue.

	1981-82	1982-83	1983-84
JUDICIAL DEPARTMENT			
Court construction	\$3,300,000	\$3,300,000	\$3,300,000
Court renovation	500,000	500,000	500,000
Equipment and furnishings	200,000	200,000	200,000
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Total	\$4,000,000	\$4,000,000	\$4,000,000

The amount listed after each project is to be construed as a guide and, within the Judicial Department, any one or more amounts may be exceeded with the approval of the Governor by transfer from one project to another.

Sec. 7. Contingent upon ratification of bond issue. Sections 1 to 6 of this Act

shall not become effective unless and until the people of the State of Maine shall have ratified the issuance of bonds as set forth in this Act.

Sec. 8. Statutory referendum procedure; submission at general election; form of question; effective date. This Act shall be submitted to the legal voters of the State of Maine at the next general election in the month of November following passage of this Act. The city aldermen, town selectmen and plantation assessors of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

“Shall a bond issue be authorized in the amount of \$4,000,000 in each of 3 years for court facilities improvements?”

The legal voters of each city, town and plantation shall vote by ballot on this question, and shall designate their choice by a cross or check mark placed within a corresponding square below the words “Yes” or “No”. The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns, and, if it appears that a majority of the legal votes are in favor of the Act, the Governor shall proclaim that fact without delay, and the Act shall become effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purposes of this referendum.

STATEMENT OF FACT

This bill is part of a package presented by the Chief Justice to fund the construction, maintenance and operation of court facilities. This bill authorizes the issuance of \$4,000,000 in each of 3 successive years beginning fiscal year 1981-82. The companion legislation, “AN ACT to Reduce the Cost to Counties of Supreme Judicial and Superior Courts,” provides a phased-in reimbursement to counties for the normal operating costs of the facilities. It also phases out the payments currently made by the counties to the State for the operating costs of the courts themselves.