

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 (After Deadline)
3 SECOND REGULAR SESSION
4

5 ONE HUNDRED AND TWELFTH LEGISLATURE
6

7 Legislative Document

No. 2058

8
9 H.P. 1461

House of Representatives, February 24, 1986

10 Approved for introduction by a majority of the Legislative Council
11 pursuant to Joint Rule 27.

12 Reference to the Committee on Local and County Government suggested
and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Drinkwater of Belfast.

13 Cosponsored by Representative Crowley of Stockton Springs, Senator
Shute of Waldo and Senator Chalmers of Knox.

14 STATE OF MAINE
15

16 IN THE YEAR OF OUR LORD
17 NINETEEN HUNDRED AND EIGHTY-SIX
18

19 AN ACT to Validate Proceedings Authorizing
20 the Issuance of Bonds to Remodel the
21 Waldo County Court Building.
22

23 **Emergency preamble.** Whereas, Acts of the Legis-
24 lature do not become effective until 90 days after
25 adjournment unless enacted as emergencies; and

26 Whereas, House Paper 282, Legislative Document
27 352, presented to the 112th Legislature was submitted
28 for the purpose of obtaining authority for Waldo
29 County to issue bonds for the renovation of and addi-
30 tion to the Waldo County court building; and

31 Whereas, section 1 of Legislative Document 352
32 authorized the County Commissioners of Waldo County
33 to raise and expend a sum not exceeding \$485,000 for
34 such a purpose and section 3 of Legislative Document
35 352 authorized the Treasurer of Waldo County, with
36 the approval of the county commissioners, to borrow

1 such a sum and to issue self-liquidating bonds for
2 that sum; and

3 Whereas, section 5 of Legislative Document 352
4 stated that the Act should take effect when approved
5 only for the purpose of submission to the legal vot-
6 ers of Waldo County and further provided that the
7 ballots for use in the referendum should carry the
8 following language:

9 "Shall the County Commissioners of Waldo County
10 be authorized to issue bonds in the amount of
11 \$485,000 to remodel the Waldo County Court Build-
12 ing, these bonds to be retired in 16 years
13 through long-term leases with the court and other
14 state and federal agencies?"; and

15 Whereas, Legislative Document 352, finally en-
16 acted as Private and Special Law 1985, chapter 14,
17 conferred identical authority to issue bonds, but
18 section 5 of chapter 14 made changes in the language
19 to be used on the ballots and further required the
20 disclosure of certain information relating to debt
21 service for the issue as follows:

22 "The county commissioners shall cause the prepa-
23 ration of the required ballots on which they
24 shall state the subject matter of this Act in the
25 following question with the accompanying state-
26 ment concerning estimated debt service:

27 'Do you favor a \$485,000 bond issue to reno-
28 vate and add to the Waldo County Court Fa-
29 cility?'

30 The total estimated debt service for this issue
31 is \$777,605, of which principal is \$485,000 and
32 estimated interest is \$292,605, at an average
33 rate of 8.56% over 15 years. Waldo County cur-
34 rently has no bond indebtedness."; and

35 Whereas, warrants and ballots with the language
36 required by Legislative Document 352 in its original
37 form were used in the general election in Waldo Coun-
38 ty held on November 5, 1985, and the specific lan-
39 guage and information relating to debt service re-
40 quired by Private and Special Law 1985, chapter 14,
41 was not included on the warrants and ballots; and

1 Whereas, the voters of Waldo County approved the
2 Act with 2,670 votes in favor and 2,531 votes op-
3 posed, but by the use of ballots which contained the
4 language of the original Legislative Document 352 in-
5 stead of the language required by chapter 14 as fi-
6 nally enacted and which omitted the required informa-
7 tion relating to debt service; and

8 Whereas, as required by Legislative Document 352,
9 both in its original form and as finally enacted as
10 chapter 14, the total votes cast for or against ac-
11 ceptance of the Act exceeded 30% of the total votes
12 for all candidates for Governor cast in the last pre-
13 vious gubernatorial election in the county; and

14 Whereas, Waldo County, acting through its commis-
15 sioners, proposes to renovate and add to the court
16 facility and must award contracts in the immediate
17 future for engineering and construction and proposes
18 to apply to the Maine Municipal Bond Bank for the
19 purchase by the bond bank of not in excess of
20 \$485,000 principal amount of bonds to be issued by
21 Waldo County, the proceeds to be used as set out in
22 this preamble; and

23 Whereas, in view of the fact that the wording on
24 the ballot was not in the precise form as required by
25 Private and Special Law 1985, chapter 14, as finally
26 enacted and that the ballots did not contain the in-
27 formation relating to debt service and indebtedness
28 required by chapter 14, it will be impossible to ob-
29 tain necessary legal approval for the issue of bonds
30 for the renovation and addition to the Waldo County
31 Court Facilities; and

32 Whereas, the renovation and addition to the coun-
33 ty court in Waldo County is essential to the effi-
34 cient operation and administration of the court; and

35 Whereas, in the judgment of the Legislature,
36 these facts create an emergency within the meaning of
37 the Constitution of Maine and require the following
38 legislation as immediately necessary for the preser-
39 vation of the public peace, health and safety; now,
40 therefore,

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

1 **Sec. 1. Referendum vote validated.** The majority
2 vote of the voters of Waldo County at the referendum
3 election held November 5, 1985, approving the issu-
4 ance of bonds for the renovation and additions to the
5 Waldo County Courthouse in an amount up to \$485,000
6 is declared to have resulted from an election con-
7 ducted in accordance with the requirements of Legis-
8 lative Document 352 in the form finally enacted as
9 Private and Special Law 1985, chapter 14.

10 **Sec. 2. Authorization.** Waldo County, acting
11 through its county commissioners, may issue and sell
12 its bonds in a principal amount not exceeding
13 \$485,000 pursuant to Private and Special Law 1985,
14 chapter 14, without the necessity of further proceed-
15 ings by the voters of Waldo County. The proceedings
16 taken at the election held November 5, 1985, wherein
17 a majority of those voting at the election authorized
18 the County Commissioners of Waldo County to issue
19 bonds in an amount not exceeding \$485,000, and all
20 actions relating to the renovation and addition to
21 the courthouse taken by the county commissioners, of-
22 ficers and agents of Waldo County pursuant to the au-
23 thority thereby granted are confirmed, validated and
24 made effective.

25 **Emergency clause.** In view of the emergency cited
26 in the preamble, this Act shall take effect when ap-
27 proved.

1

STATEMENT OF FACT

2 In the general election held November 5, 1985,
3 the voters of Waldo County authorized the county com-
4 missioners to issue bonds in the amount of \$485,000
5 to remodel the Waldo County Court building. The bal-
6 lots used in the election posed the question that was
7 contained in the original Legislative Document 352.
8 When Legislative Document 352 was finally enacted by
9 Private and Special Law 1985, chapter 14, the ques-
10 tion to be asked the voters at referendum was worded
11 somewhat differently and a disclosure relating to
12 debt service was required to be placed on the bal-
13 lots.

14 In preparing the ballots for election, the county
15 official inadvertently prepared them with the ques-
16 tion contained in the original Legislative Document
17 352 instead of the version as finally passed by Pri-
18 vate and Special Law 1985, chapter 14. It appears
19 that the intent of both versions of the question is
20 the same and that the voters were not misled by the
21 form of the question.

22 The final version of Legislative Document 352 as
23 passed by Private and Special Law 1985, chapter 14,
24 required a disclosure of estimated debt service based
25 on an assumed interest rate. The ballot did not con-
26 tain this disclosure. There is nothing in the Maine
27 laws that requires disclosure to voters in a county
28 bond referendum such as is required in a state bond
29 referendum in the Maine Revised Statutes, Title 3,
30 section 552.

31 In the absence of ratification of the action of
32 the voters of Waldo County, it is impossible for bond
33 counsel to render an opinion that the bond may be
34 validly issued. In order for the county to proceed
35 with the project, a special referendum for the voters
36 of Waldo County would have to be held, entailing con-
37 siderable expense and delay in the financing of the
38 project which a majority of those voting at the elec-
39 tion have approved.

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