

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. 2059

8
9 H.P. 1462

House of Representatives, February 24, 1986

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

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

12 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 for a Cooperative
21 Extension Service Facility in Waldo
22 County.
23

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

27 Whereas, H.P. 283, L.D. 353 presented to the
28 112th Legislature was submitted for the purpose of
29 obtaining authority for Waldo County to issue bonds
30 for the construction of a building to house the coun-
31 ty extension services; and

32 Whereas, Section 1 of L.D. 353 authorized the
33 county commissioners of Waldo County to raise and ex-
34 pend a sum not exceeding \$80,000 for that purpose and
35 section 3 of L.D. 353 authorized the Treasurer of
36 Waldo County, with the approval of the county commis-

1 sioners, to borrow the sum and to issue
2 self-liquidating bonds therefor; and

3 Whereas, Section 5 of L.D. 353 stated that the
4 Act should take effect when approved only for the
5 purpose of submission to the legal voters of Waldo
6 County and further provided that the ballots for use
7 in the referendum should carry the following lan-
8 guage:

9 "Shall the County Commissioners of Waldo County
10 be authorized to issue bonds in the amount not to
11 exceed \$80,000 for the construction of a county-
12 owned facility to house the Cooperative Extension
13 Service in Waldo County?"; and

14 Whereas, L.D. 353 as finally enacted as Private
15 and Special Law 1985, chapter 15 conferred identical
16 authority to issue bonds, but section 5 of chapter 15
17 made changes in the language to be used on the bal-
18 lots and further required the disclosure of certain
19 information relating to debt service for the issue as
20 follows:

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

26 'Do you favor a \$80,000 bond issue to con-
27 struct a county-owned building to house the
28 County Extension Services?'

29 The Total estimated debt service for this issue
30 is \$107,500 of which principal is \$80,000 and the
31 estimated interest is \$27,500 at an average rate
32 of 7.28% over 8 years. Waldo County currently has
33 no bond indebtedness."; and

34 Whereas, warrants and ballots with the language
35 required by L.D. 353 in its original form were used
36 in the general election in Waldo County held on No-
37 vember 5, 1985, and the specific language and infor-
38 mation relating to debt service required by Private
39 and Special Law 1985, chapter 15 was not included on
40 the warrants and ballots; and

1 Whereas, the voters of Waldo County approved the
2 Act with 2,978 votes in favor and 2,265 votes op-
3 posed, but by the use of ballots which contained the
4 language of the original L.D. 353 instead of the lan-
5 guage required by Private and Special Law 1985, chap-
6 ter 15 as finally enacted and which omitted the re-
7 quired information relating to debt service; and

8 Whereas, as required by L.D. 353 both in its
9 original form and as finally enacted by Private and
10 Special Law 1985, chapter 15, the total votes cast
11 for or against acceptance of the Act exceeded 30% of
12 the total votes for all candidates for Governor cast
13 in the last previous gubernatorial election in the
14 county; and

15 Whereas, Waldo County, acting through its commis-
16 sioners, proposes to construct the building to house
17 the county extension services and must award con-
18 tracts in the immediate future for engineering and
19 construction and proposes to apply to the Maine Mu-
20 nicipal Bond Bank for the purchase by the bond bank
21 of not in excess of \$80,000 principal amount of bonds
22 to be issued by Waldo County, the proceeds to be used
23 ; and

24 Whereas, in view of the fact that the wording on
25 the ballot was not in the precise form as required by
26 Private and Special Law 1985, chapter 15 as finally
27 enacted and that the ballots did not contain the in-
28 formation relating to debt service and indebtedness
29 required by Private and Special Law 1985, chapter 15,
30 it will be impossible to obtain necessary legal ap-
31 proval for the issue of bonds for the construction of
32 a county-owned building to house the county extension
33 services; and

34 Whereas, the construction of a county-owned
35 building to house the county extension services is
36 essential to the efficient operation and administra-
37 tion of the county extension; and

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

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

3 **Sec. 1. Referendum vote validated.** The majority
4 vote of the voters of Waldo County at the referendum
5 election held November 5, 1985, approving the issu-
6 ance of bonds for the construction of a county-owned
7 building to house the county extension services in an
8 amount up to \$80,000 is declared to have resulted
9 from an election conducted in accordance with the re-
10 quirements of L.D. 353 in the form finally enacted as
11 Private and Special Law 1985, chapter 15.

12 **Sec. 2. Authorization.** Waldo County, acting
13 through its county commissioners, is hereby autho-
14 rized to issue and sell its bonds in a principal
15 amount not exceeding \$80,000 pursuant to Private and
16 Special Law 1985, chapter 15, without the necessity
17 of further proceedings by the voters of Waldo County.
18 The proceedings taken at the election held November
19 5, 1985, wherein a majority of those voting at the
20 election authorized the county commissioners of Waldo
21 County to issue bonds in an amount not exceeding
22 \$80,000 and all actions relating to the construction
23 of a county-owned building to house the county exten-
24 sion services taken by the county commissioners, of-
25 ficers and agents of Waldo County pursuant to the au-
26 thority thereby granted are confirmed, validated and
27 made effective.

28 **Emergency clause.** In view of the emergency cited
29 in the preamble, this Act shall take effect when ap-
30 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 \$80,000 to
5 construct a building to house the county extension
6 services. The ballots used in the election posed the
7 question that was contained in the original Legisla-
8 tive Document 353. When L.D. 353 was finally enacted
9 by Private and Special Law 1985, chapter 15, the
10 question to be asked the voters at referendum was
11 worded somewhat differently and a disclosure relating
12 to 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 L.D. 353 instead of
17 the version as finally passed by Private and Special
18 Law 1985, chapter 15. It appears that the intent of
19 both versions of the question is the same and that
20 the voters were not misled by the form of the ques-
21 tion.

22 The final version of L.D. 353 as passed by Pri-
23 vate and Special Law 1985, chapter 15, required a
24 disclosure of estimated debt service based on an as-
25 sumed interest rate. The ballot did not contain this
26 disclosure. There is nothing in the Maine Revised
27 Statutes that requires disclosure to voters in a
28 county bond referendum such as is required in a state
29 bond referendum under the Maine Revised Statutes, Ti-
30 tle 3, section 552.

31 In the absence of ratification of the action of
32 the voters of Waldo County, it would be impossible
33 for bond counsel to render an opinion that the bond
34 can be validly issued. In order for the county to
35 proceed with the project, a special referendum for
36 the voters of Waldo County would have to be held, en-
37 tailing considerable expense and delay in the financ-
38 ing of the project which a majority of those voting
39 at the election have approved.

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