

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 164

S.P. 109

In Senate, February 14, 1989

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

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

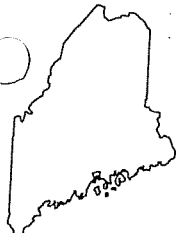
JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BUSTIN of Kennebec.
Cosponsored by Representative PARENT of Benton and Representative GWADOSKY of Fairfield.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Validate and Approve the Town of China's Town Meeting and School Construction Referendum and Related Proceedings.



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

4 **Whereas,** there is an urgent need to construct a new
5 kindergarten through grade 3 elementary school in the Town of
6 China in order to provide adequate educational programs to the
7 pupils of the Town of China; and

8 **Whereas,** the Town of China voted at referendum on October
9 29, 1988 by a vote of 242 to 146 to authorize a majority of the
10 municipal officers and treasurer of the Town of China to issue
11 bonds or notes in the name of the Town of China for school
12 construction purposes in an amount not to exceed \$3,313,000 to
13 construct and equip a new kindergarten through grade 3 elementary
14 school in the Town of China; and

15 **Whereas,** certain problems occurred in conducting the town
16 meeting and school construction referendum, including without
17 limitation, the failure to complete the balloting for election of
18 the moderator in time to open the polls at the time stated in the
19 warrant with the result that the polls did not remain open for 4
20 hours as required by the Maine Revised Statutes, Title 30,
21 section 2061; and

22 **Whereas,** there is also a question concerning the right to
23 the issuance of an absentee ballot between the time the meeting
24 began and the time the polls were opened; and

25 **Whereas,** these problems and questions may prevent the Town
26 of China from issuing bonds or notes for the project unless the
27 Legislature validates and approves proceedings of the town
28 meeting and school construction referendum; and

29 **Whereas,** in the judgment of the Legislature, these facts
30 create an emergency within the meaning of the Constitution of
31 Maine and require the following legislation as immediately
32 necessary for the preservation of the public peace, health and
33 safety; now, therefore,

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

35 Notwithstanding the Maine Revised Statutes, Title 30,
36 subsections 2052 and 2061, and Title 21-A, chapter 9, subchapter
37 IV, and any other relevant provisions of the Maine Revised
38 Statutes, and notwithstanding any other legal issues which may be
39 raised relating to the town meeting and school construction
40 referendum conducted in the Town of China on October 29, 1988,
41 that town meeting and school construction referendum are hereby
42 validated and approved and a majority of the municipal officers
43 and the treasurer of the Town of China are authorized to issue
44 bonds or notes in the name of the Town of China pursuant to the
45 Maine

1 Revised Statutes, Title 30, section 5152 for school construction
2 purposes in an amount not to exceed \$3,313,000 to construct and
3 equip a new kindergarten through grade 3 elementary school in the
4 Town of China. Such bonds or notes of the Town of China when
5 issued in accordance with the provisions of the Maine Revised
6 Statutes, Title 30, section 5152 shall be the duly authorized,
7 legal and binding obligations of the Town of China.

9 **Emergency clause.** In view of the emergency cited in the
10 preamble, this Act shall take effect when approved.
11

13

15 STATEMENT OF FACT

16 This bill validates and approves the town meeting and school
17 construction referendum conducted in the Town of China, which
18 allows a majority of the municipal officers and the treasurer of
19 the Town of China to issue bonds or notes for school construction
20 purposes in an amount not to exceed \$3,313,000. The funds will
21 be used to construct and equip a new kindergarten through grade 3
elementary school in the Town of China.