

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2386

H.P. 1727

House of Representatives, March 1, 1990

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

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

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative MANNING of Portland.

Cosponsored by Representative CURRAN of Westbrook and Senator ESTY of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Amend the Cumberland County Capital Improvement Bonds Act of 1989.

(AFTER DEADLINE)

(EMERGENCY)



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

4
6 Whereas, the voters of Cumberland County, by referendum,
have approved the issuance of bonds for construction of a new
jail facility for Cumberland County pursuant to the Cumberland
County Capital Improvement Bonds Act of 1989; and

10 Whereas, important and much needed development of a new
Cumberland County jail facility must begin as soon as possible to
avoid cost increases and project delays and serious overcrowding
in the current jail facility; and

14
16 Whereas, the Cumberland County Commissioners cannot proceed
with the new jail facility project without certain clarifications
in the law; and

18
20 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,

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

26 **Sec. 1. P&SL 1989, c. 63, §1 is amended to read:**

28
30 **Sec. 1. To raise money for a jail facility for Cumberland County and**
to take other actions as authorized in this Act. The county
commissioners of the Cumberland County ~~of--Cumberland--are~~
32 ~~authorized--to~~ may raise and expend a sum not to exceed
\$25,000,000 for ~~construction of a county jail facility located in~~
34 Cumberland County project costs.

36 1. "Costs" with respect to the project or any portion of
the project include, but are not limited to:

38 A. The purchase price, lease or other acquisition cost;

40 B. The cost of development, construction, building,
42 alteration, enlargement and improvement;

44 C. The cost of any labor, materials, machinery and
46 equipment;

48 D. The cost of all lands, structures, real or personal
property, rights, easements, interests and franchises
50 acquired;

52 E. The cost of all utility extensions, access roads, site
development, finance charges, insurance premiums and

2 interest prior to and during construction and for 6 months
3 after construction;

4 F. The cost of working capital related to the project or
5 any part of the project;

6 G. The cost of plans and specifications, surveys and
7 estimates of costs and revenues;

8 H. The cost of engineering, legal and other professional
9 services;

10 I. The cost of providing reserves for and the costs of
11 issuing bonds and notes, and all costs relating to any
12 credit enhancement or bond insurance, for the project;

13 J. The cost of all other expenses necessary or incidental
14 to determining the feasibility or practicability of the
15 project or any portion of the project;

16 K. Administrative and operating expenses; and

17 L. Any other expenses, financing or refinancing, including
18 the refunding of any outstanding obligations issued, made or
19 given by any person for any of the costs mentioned in this
20 Act.

21 2. "Project" means the acquisition, construction,
22 improvement, reconstruction or equipping of any structures
23 designed for use as a jail facility in Cumberland County and all
24 reasonably related facilities including, but not limited to, all
25 real and personal property, lands, improvements, driveways,
26 roads, approaches, pedestrian access roads, parking lots, parking
27 facilities, rights-of-way, utilities, easements and other
28 interests in land, machinery and equipment and all appurtenances
29 and facilities either on, above or under the ground which are
30 used or usable in connection with the jail facility. The project
31 also includes landscaping, site preparation, furniture,
32 machinery, equipment and other similar items necessary or
33 convenient for the operation of the jail facility.

34 3. In order to carry out the purposes of this Act, the
35 county commissioners of Cumberland County shall have the
36 following powers with respect to the project or any portion of
37 the project together with all powers incidental to those powers
38 or necessary for the performance of the following:

39 A. To acquire real or personal property or any interest in
40 real or personal property, including rights or easements, on
41 either a temporary or long-term basis, and including
42 property that does not abutt existing county buildings, by
43 gift, purchase, transfer, lease or otherwise or by eminent
44 domain.

2 domain or condemnation proceedings provided that any
3 condemnation or eminent domain proceedings must conform to
4 the procedures in the Maine Revised Statutes, Title 23,
5 sections 2051 to 2058, provided, however, that the
6 provisions of Title 23, section 7202 may not apply to any
7 taking of land of any railroad corporation as long as no
8 operating railroad track is taken; and to improve, hold,
9 sell, with or without public bidding, assign, lease, rent or
10 otherwise dispose of any real or personal property, or any
11 interest in real or personal property in connection with the
12 project;

13
14 B. To prepare or cause to be prepared plans,
15 specifications, designs and estimates of cost for the
16 construction and equipment of the project and attendant
17 facilities and by contract or contracts to construct,
18 acquire, alter, repair, maintain and improve, furnish and
19 equip the project or any portion of the project and any
20 attendant facilities;

21
22 C. To provide financing or refinancing of indebtedness for
23 the project or any portion of the project, to borrow money,
24 to issue negotiable securities, to provide for the rights,
25 security and remedies of the holders of those securities and
26 to enter into agreements providing for credit enhancement
27 and bond insurance;

28 D. To make and execute contracts and all other instruments,
29 including trust agreements and other financial documents,
30 and to enter into any necessary or convenient transactions;
31 and

32
33 E. To provide by resolution, at one time or from time to
34 time, for the issuance and sale of securities for the
35 purpose of paying the costs or the refinancing of any
36 indebtedness of the project or any part of the project.
37 After issuance, all securities issued pursuant to this Act
38 must be presumed to be fully and duly authorized and issued,
39 and any person or governmental unit is prohibited from
40 questioning their authorization, sale, issuance, execution
41 or delivery. Except as otherwise provided, the manner of
42 execution, the maturities, denominations, interest rate or
43 rates, place of payment, the form and other details of the
44 securities must be determined by the county commissioners.

45 **Sec. 2. P&SL 1989, c. 63, §3, first sentence is amended to read:**

46
47 To provide funds for the--county--jail--facility costs of the
48 project, the treasurer of Cumberland County, with the approval of
49 the county commissioners, may borrow from time to time upon the
50 full faith and credit of the county such sums, not exceeding in

2 the aggregate \$25,000,000, as may be necessary and may issue
bonds therefore which shall bear on their face the words
"Cumberland County Capital Improvement Bonds Act of 1989."

4
6 **Sec. 3. Ratification by voters unnecessary.** This Act, including
any provisions which authorize the issuance of bonds for any
purposes other than construction of a new jail facility, need not
8 be submitted to the legal voters of Cumberland County.

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

12
14 **STATEMENT OF FACT**

16 This bill amends the Cumberland County Capital Improvement
Bonds Act of 1989.