

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

SECOND REGULAR SESSION-1998

Legislative Document

No. 2280

S.P. 867

In Senate, March 19, 1998

An Act Authorizing Certain Debt of Hancock County for Construction of a New Jail and Courthouse Renovations and Ratifying Certain Action Taken by Hancock County in Connection with the Authorization of this Debt.

(EMERGENCY)

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 GOLDTHWAIT of Hancock.
Cosponsored by Representative POVICH of Ellsworth and
Senator RUHLIN of Penobscot, Representatives: BIGL of Bucksport, BUNKER of Kossuth
Township, JONES of Bar Harbor, LAYTON of Cherryfield, PERKINS of Penobscot,
PINKHAM of Lamoine, VOLENIK of Brooklin.

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,** Hancock County needs a new jail facility in order
to ensure the safety and well-being of the inhabitants of Hancock
County; and

8
10 **Whereas,** the need exists for renovations at the Hancock
County Courthouse to comply with state mandates; and

12 **Whereas,** in Private and Special Law 1997, chapter 40, the
Legislature authorized the county commissioners of Hancock County
14 to borrow and expend a sum not to the exceed \$6,000,000 for
construction of a new county jail facility and courthouse
16 renovations; and

18 **Whereas,** the voters of Hancock County approved and
authorized the project, the borrowing and expenditure at a
20 referendum election held on November 4, 1997; and

22 **Whereas,** certain technical questions have been raised
concerning the submission of Private and Special Law 1997,
24 chapter 40 to the legal voters of Hancock County for a referendum
vote and the acceptance thereof by the voters pursuant to the
26 referendum; and

28 **Whereas,** it is desirable that the county commissioners of
Hancock County immediately are authorized to borrow a sum not to
30 exceed \$6,000,000 for construction of a new county jail facility
and courthouse renovation and to issue bonds or notes for this
32 project in accordance with Private and Special Law 1997, chapter
40; and

34
36 **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
38 necessary for the preservation of the public peace, health and
safety; now, therefore,

40
42 **Be it enacted by the People of the State of Maine as follows:**

44 **Sec. 1. Authorization; ratification.** Notwithstanding Private and
Special Law 1997, chapter 40, section 7 or any other provision of
law, the county commissioners of Hancock County are authorized to
46 borrow a sum not to exceed \$6,000,000 for construction of the new
county jail facility and renovation of the courthouse located in
48 Ellsworth and to issue bonds or notes for that purpose in
accordance with Private and Special Law 1997, chapter 40. All
50 action taken in connection with the

2 authorization of borrowing and the acceptance of Private and
Special Law 1997, chapter 40, at the referendum election held on
4 November 4, 1997, is hereby ratified, confirmed, approved and
6 adopted, and bonds or notes may be issued without the necessity
of further proceedings or approval of the voters of Hancock
County.

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

12 **SUMMARY**

14 On November 4, 1997 a majority of the voters of Hancock
County approved the issue of \$6,000,000 in bonds to construct a
16 new jail. Among other problems with the ballot, the question as
approved, "Do you favor a bond issuance, not to exceed \$6,000,000
18 to construct a new jail and to provide necessary renovations to
the courthouse, to comply with state mandates?" did not exactly
20 match the question that was to be put to the voters, as approved
in Private and Special Law 1997, chapter 40, section 7, which
22 was: "Do you favor a bond issue not to exceed \$6,000,000 for
construction of a jail facility and renovations of the Hancock
24 County Courthouse?"

26 This bill ratifies the action taken by the voters of Hancock
County and authorizes the county commissioners of Hancock County
28 to borrow \$6,000,000 for a new jail facility and renovation of
the courthouse located in Ellsworth.