

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1615

H.P. 1193

House of Representatives, May 15, 2003

An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 71

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MURPHY of Kennebunk.
Cosponsored by Representative: SULLIVAN of Biddeford.

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 management and control of the public schools
located in the Town of Kennebunk and the Town of Kennebunkport
are vested in School Administrative District No. 71, which
8 includes the territory of those municipalities; and

10 **Whereas,** the State Board of Education has granted concept
approval and design and funding approval for a school
12 construction project to construct and equip a new kindergarten to
grade 3 elementary school in the Town of Kennebunk; and

14
16 **Whereas,** at a district referendum held on October 1, 2002,
the voters of School Administrative District No. 71 voted to
authorize the school directors of the district to issue bonds or
18 notes for school construction purposes for the project; and

20 **Whereas,** the plans and specifications for the project have
been put out to bid and the district intends to award a
22 construction contract and to issue bonds or notes for the
project; and

24
26 **Whereas,** copies of the warrants for the referendum delivered
to the towns and posted prior to the October 1, 2002 referendum
were not attested; and

28
30 **Whereas,** the failure to attest copies of the warrants has
created a legal technicality that could affect the marketability
of the bonds or notes to be issued by the district in connection
32 with the project; and

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

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

42 **Sec. 1. Validation and authorization.** Notwithstanding any
provision of the Maine Revised Statutes to the contrary, the
44 School Administrative District No. 71 school construction
referendum conducted on October 1, 2002 and the proceedings
46 related to that referendum are validated and made effective.
School Administrative District No. 71 is authorized to enter into
48 contracts and to issue bonds or notes of the district for school
construction purposes in an amount not to exceed \$16,052,724 to
50 construct and equip a new elementary school for kindergarten and

2 grades one to 3, to construct a sidewalk to that new elementary
3 school and to construct a sewer line extension to connect that
4 new elementary school to the Kennebunk Sewer District's
5 wastewater collection system, all as set forth in Articles 2, 3
6 and 4 of the warrants and ballots for the referendum.

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

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11 SUMMARY

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13 This bill validates a school construction referendum
14 conducted by School Administrative District No. 71 on October 1,
15 2002 and authorizes the district to enter into contracts and
16 issue bonds or notes of the district for the project. The
17 validation is necessary because copies of the warrants that were
18 delivered to the towns and posted were not attested. Validation
19 of the referendum will eliminate a legal technicality that could
20 affect the marketability of the bonds or notes to be issued by
the district for the project.