

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

SECOND REGULAR SESSION-2008

Legislative Document

No. 2234

S.P. 864

February 28, 2008

**An Act To Validate Certain Proceedings Authorizing the Issuance of
Bonds and Notes by the City of Brewer High School District**

(AFTER DEADLINE)

(EMERGENCY)

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

Reference to the Committee on Legal and Veterans Affairs 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 ROSEN of Hancock.
Cosponsored by Representative FISHER of Brewer.

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

3 **Whereas,** the City of Brewer High School District is authorized pursuant to state
4 law to purchase land and to erect, equip, repair, renovate and maintain schools within the
5 City of Brewer; and

6 **Whereas,** pursuant to Private and Special Law 2005, chapter 42, the Legislature
7 approved an increase in the debt limit of the City of Brewer High School District from
8 \$5,000,000 to 7.5% of the most recent state valuation of the City of Brewer subject to
9 approval at a referendum in the City of Brewer; and

10 **Whereas,** the State Board of Education has granted concept approval and design and
11 funding approval for a school construction project to construct and equip a new
12 prekindergarten to grade 8 elementary school in the City of Brewer High School District;
13 and

14 **Whereas,** at a district referendum held on December 4, 2007, the voters of the City
15 of Brewer voted to increase the debt limit of the City of Brewer High School District
16 from \$5,000,000 to 7.5% of the most recent state valuation of the City of Brewer and also
17 voted to authorize the trustees of the City of Brewer High School District to issue bonds
18 or notes for school construction purposes for the project; and

19 **Whereas,** an architect and engineers have been retained to draft plans for the
20 project; and

21 **Whereas,** specimen ballots for the referendum were not published in any
22 newspapers as required by the Brewer City Charter; and

23 **Whereas,** the failure to publish the specimen ballots has created a legal technicality
24 that could affect the marketability of the bonds or notes to be issued by the City of
25 Brewer High School District in connection with the project; and

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

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

31 **Sec. 1. Validation and authorization.** Notwithstanding any other provision of
32 law, the City of Brewer High School District school construction referendum conducted
33 on December 4, 2007 and the proceedings related to that referendum are validated and
34 made effective. The debt limit of the City of Brewer High School District is increased
35 from \$5,000,000 to 7.5% of the most recent state valuation of the City of Brewer as set
36 forth in Question 1 of the warrant and ballots for the referendum; the City of Brewer High
37 School District is authorized to enter into contracts and to issue bonds or notes of the
38 district for school construction purposes in an amount not to exceed \$39,487,883 to

1 construct and equip a prekindergarten to grade 8 school, all as set forth in Question 2 and
2 Question 3 of the warrant and ballots for the referendum; and the City of Brewer High
3 School District is authorized to accept gifts for the project as set forth in Question 4 of the
4 warrant and ballots for the referendum.

5 **Emergency clause.** In view of the emergency cited in the preamble, this
6 legislation takes effect when approved.

7 **SUMMARY**

8 This bill validates the City of Brewer High School District school construction
9 referendum conducted on December 4, 2007 and the proceedings related to that
10 referendum.