

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2008

Legislative Document

No. 2321

H.P. 1683

House of Representatives, April 15, 2008

**An Act To Validate Certain Proceedings Authorizing the Issuance of
Bonds and Notes by Maine School Administrative District No. 29**

(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 BARSTOW of Gorham.
Cosponsored by Senator SHERMAN of Aroostook and
Representatives: CLEARY of Houlton, JOY of Crystal, SUTHERLAND of Chapman, Senator:
SCHNEIDER of Penobscot.

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,** Maine School Administrative District No. 29 is made up of the towns of
4 Hammond, Houlton, Littlefield and Monticello and is authorized pursuant to state law to
5 operate and maintain schools within the district; and

6 **Whereas,** at the district referendum held November 6, 2007, the voters of the
7 district voted to authorize the board of directors of the district to renovate Houlton High
8 School at a cost not to exceed \$2,500,000, to construct a new performing arts center at the
9 high school at a cost not to exceed \$5,000,000 and to accept and expend gifts for the
10 performing arts center project as described in the warrants and ballots for the referendum;
11 and

12 **Whereas,** an engineer has been retained to draft plans for the high school renovation
13 project; and

14 **Whereas,** the warrant for the referendum in the Town of Hammond was not
15 countersigned by the selectmen of that town as required by the Maine Revised Statutes,
16 Title 20-A, section 1352, subsection 1, paragraph B; and

17 **Whereas,** the failure of the selectmen to countersign the warrant in the Town of
18 Hammond has created a legal technicality that could affect the marketability of the bonds
19 or notes to be issued by the district in connection with the projects; and

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

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

25 **Sec. 1. Validation and authorization.** Notwithstanding any provision of the
26 Maine Revised Statutes to the contrary, the Maine School Administrative District No. 29
27 referendum conducted on November 6, 2007 and the proceedings related to that
28 referendum are validated and made effective. Maine School Administrative District No.
29 29 is authorized to enter into contracts and to issue bonds or notes of the district for the
30 renovation of Houlton High School in an amount not to exceed \$2,500,000, to construct a
31 performing arts center at a cost not to exceed \$5,000,000 and to issue bonds or notes and
32 accept and expend gifts for the performing arts center, as set forth in Question 1 of the
33 warrant and ballots for the referendum, which provided for:

34 1. Performing arts gifts. The board of directors is not authorized to issue any bonds
35 or notes for the performing arts project until donors have made cash gifts and written
36 pledges for the performing arts project in the aggregate amount of \$2,500,000 or
37 more; and

38 2. Performing arts borrowing. After the minimum amount of gifts for the performing
39 arts project has been received as cash or in the form of written pledges, the board of

1 directors may issue general obligation bonds or notes for the performing arts project,
2 as long as the amount authorized is reduced by the total amount of cash gifts received
3 prior to the commitment to issue those bonds or notes, and as long as all pledged gifts
4 are used upon receipt to pay debt service on those bonds or notes.

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 and authorizes the renovation project of Houlton High School in
9 Maine School Administrative District No. 29 that voters approved in a referendum. The
10 Town of Hammond within the school district failed to get the warrant for referendum
11 countersigned by the selectmen as required by statute, which affects the bonds or notes to
12 be issued in connection with the project.