

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

SECOND REGULAR SESSION-2014

Legislative Document

No. 1855

S.P. 753

In Senate, April 9, 2014

An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes of the Town of Old Orchard Beach

(AFTER DEADLINE)

(EMERGENCY)

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

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

A handwritten signature in dark ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator VALENTINO of York.

Cosponsored by Representative: MacDONALD of Old Orchard Beach.

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,** under current law a municipality is authorized to issue general obligation
4 securities to fund public schools and libraries; and

5 **Whereas,** at the annual town election held on November 8, 2011, the voters of the
6 Town of Old Orchard Beach voted to approve Referendum Question No. 5, which
7 authorized the issuance of general obligation securities of the Town of Old Orchard
8 Beach in an amount not to exceed \$2,000,000 to construct and equip an addition to the
9 Edith Belle Libby Memorial Library, and Referendum Questions No. 1 to No. 4, which
10 concern modifications to the Charter of the Town of Old Orchard Beach; and

11 **Whereas,** an architect has been retained to prepare plans and a construction contract
12 has been entered into to construct the proposed addition to the Edith Belle Libby
13 Memorial Library; and

14 **Whereas,** the Town of Old Orchard Beach plans to issue up to \$2,000,000 in
15 general obligation securities to finance the addition to the Edith Belle Libby Memorial
16 Library; and

17 **Whereas,** specimen ballots rather than warrants or notices of election were posted in
18 public and conspicuous places in the Town of Old Orchard Beach prior to the referendum
19 on November 8, 2011; and

20 **Whereas,** the posting of specimen ballots rather than warrants or notices of election
21 prior to the November 8, 2011 referendum has created a legal technicality that could
22 affect the marketability of the town's general obligation securities for the addition to the
23 Edith Belle Libby Memorial Library and could jeopardize the approval of the other
24 referendum questions of the November 8, 2011 election; and

25 **Whereas,** it is imperative that any ambiguity regarding the legitimacy of the
26 referendum be resolved as quickly as possible; and

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

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

32 **Sec. 1. Validation and authorization.** Notwithstanding any other provision of
33 law to the contrary, the Town of Old Orchard Beach referendum votes conducted on
34 November 8, 2011 and any proceedings related to those referendum votes are validated
35 and made effective. The Chair of the Town Council and Treasurer of the Town of Old
36 Orchard Beach are authorized to enter into contracts and to issue bonds or notes in the
37 name of the Town of Old Orchard Beach in an amount not to exceed \$2,000,000 to

1 construct and equip an addition to the Edith Belle Libby Memorial Library in the Town
2 of Old Orchard Beach.

3 **Sec. 2. Retroactivity.** This Act applies retroactively to November 8, 2011 with
4 respect to any proceedings relating to the contracts and bonds or notes to construct and
5 equip the addition to the Edith Belle Libby Memorial Library and the other referendum
6 questions approved at the referendum conducted on November 8, 2011 in the Town of
7 Old Orchard Beach.

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

10 **SUMMARY**

11 This bill validates the referendum of the Town of Old Orchard Beach conducted on
12 November 8, 2011. The Town of Old Orchard Beach notified the voters of the
13 referendum by posting specimen ballots rather than warrants or notices of election, which
14 has created a legal technicality that could affect the marketability of the bonds to be
15 issued for the addition to the Edith Belle Libby Memorial Library in the Town of Old
16 Orchard Beach.